



EOIR MORNING BRIEFING

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Executive Office for Immigration Review
By TechMIS
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Executive Office for Immigration Review

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Executive Office for Immigration Review

Thousands Could Be Deported As Government Targets Asylum Mills' Clients

[NPR](#) [9/28/2018 4:46 PM, Ailsa Chang] reports that NPR's Planet Money has learned that more than 13,500 immigrants, mostly Chinese, who were granted asylum status years ago by the U.S. government, are facing possible deportation. As the Trump administration turns away asylum-seekers at the border under more restrictive guidance issued by Attorney General Jeff Sessions, U.S. Citizenship and Immigration Services, Immigration and Customs Enforcement and the Executive Office for Immigration Review are considering stripping asylum status from immigrants who won it years ago. Immigration officials are moving against these immigrants in a sweeping review that federal authorities say is related to a 2012 investigation into asylum mills. The federal government says the people convicted during Operation Fiction Writer had helped more than 3,500 immigrants, most of them Chinese, win asylum. Authorities accused them of dumping boilerplate language in stories of persecution, coaching clients to memorize and recite fictitious details to asylum officers, and fabricating documents to buttress the fake asylum claims. Today, "USCIS, ICE Office of the Principal Legal Advisor and the Executive Office of Immigration Review are reviewing these cases to maintain the integrity in our nation's asylum system and to ensure that the original asylum grant was lawfully obtained," says Katherine Tichacek, a spokeswoman for USCIS, in a written statement. [Editorial note: audio at source link]

[TX] Houston gets new immigration court supervisor

[Houston Chronicle](#) [9/30/2018 2:54 PM, Ana Goni-Lessan, 4331K, TX] reports that Houston's backlogged immigration court will get some relief next month when new supervisor is added to the ranks. John R. Doolittle, II of Atlanta, will be the new assistant chief immigration judge for the Houston Immigration Court. He was among 46 immigration judges sworn in last week in the largest-ever immigration judge investiture by the U.S. Department of Justice, according to a press release. Doolittle, who was appointed by U.S. Attorney General Jeff Sessions, will begin hearing cases in October. "At this point in history your work is vitally important," Sessions said at the investiture ceremony. "The case backlog has reached more than 760,000. Great effort is surely needed." The EOIR has added 30 percent more judges since January 2017 and anticipates two more graduating classes of judges this year, according to the release.

[AZ] 2 Phoenix immigration judges retire as Trump administration pushes for faster deportations

[AZ Central](#) [9/29/2018 6:00 AM, Daniel González, 665K, AZ] reports that two longtime Phoenix immigration court judges are retiring this week, just as quotas kick in as part of the Trump administration effort to clear huge case backlogs by accelerating deportations. The retiring judges are Wendell Hollis and John Richardson, who served on the bench for nearly 30 years, making him the most senior member among the five immigration judges in the Phoenix immigration court. In a court system stacked with former immigration prosecutors, Richardson was known for his fairness, independence and humanity in deciding immigration

cases, which can carry life-or-death consequences for people ordered to deport to countries where their lives are in danger. Richardson received national attention in 2005 when he threw out a deportation case against the Wilson Four, a group of undocumented students from Wilson Charter High School brought to the U.S. illegally by their parents when they were young.

Hollis, a former INS prosecutor, was appointed an immigration judge in 2003 and was regarded by immigration lawyers as a tough but fair judge. "They will be sorely missed. Both Judge Richardson and Judge Hollis have been hallmarks of the Phoenix immigration court ... particularly Richardson who has been on the court for 28 years, he's a landmark," said Delia Salvatierra, a Phoenix immigration attorney. "Both judges were just, both judges were fair, they understood the complexities of immigration law and the complexities of the human aspects of enforcement of immigration laws and they took their authority to exercise discretion very seriously." Gail Montenegro, a spokeswoman for the Justice Department's Executive Office for Immigration Review, would not provide statistics on the number of judges retiring at the end of this fiscal year, saying the agency "does not discuss attrition prior to its occurrence."

Policy and Legislative News

18 states, D.C., support legal challenge to U.S. asylum policy

[NBC News](#) [9/28/2018 10:14 PM, Dennis Romero, 3740K] reports that 18 states and the District of Columbia filed a friend-of-the-court brief Friday in Washington to bolster plaintiffs challenging a new U.S. policy that denies asylum to those claiming to be victims of gang or domestic violence. The policy was previewed in early June by Attorney General Jeff Sessions, who wrote in a legal opinion that asylum cannot be a "redress for all misfortune." "The mere fact that a country may have problems effectively policing certain crimes – such as domestic violence or gang violence – or that certain populations are more likely to be victims of crime cannot itself establish an asylum claim," he wrote. It was widely seen as another element of the Trump administration's crackdown on south-of-the-border immigration. On Aug. 7 the ACLU filed a lawsuit, known as *Grace v. Sessions*, against the policy in federal court.

[Breitbart](#) [10/1/2018 3:02 AM, Chriss W. Street, 2213K] reports California Attorney General Xavier Becerra filed California's 40th lawsuit against the Trump administration on Friday, claiming that U.S. Attorney General Jeff Sessions has failed to uphold the United Nations' refugee and gender policy. Becerra joined the District of Columbia and 17 other states in naming Attorney Jeff Sessions in a lawsuit filed in Washington, DC, federal court seeking to enjoin the U.S. Justice Department from reversing Obama administration policies and deny asylum to married women and their children that have been "victims of gender-based harm." Sessions issued a 31-page policy on June 11 that the United States would no longer enforce a 2014 ruling by the Immigration Appeals Board granting asylum or withholding of removal under Immigration and Nationality Act to women claiming to be victims of domestic or gang violence in their native country. Sessions' decision to change the policy in June was immediately binding, since the U.S. Attorney General has the right to appoint U.S. immigration court judges.

Reported similarly:

[UPI](#) [9/29/2018 10:15 AM, Sommer Brokaw, 303K]

[San Francisco Chronicle](#) [9/28/2018 9:00 PM, By Bob Egelko, 220K, CA]

17 States Urge 2nd Circ. To Uphold Ruling Preserving DACA

[Law 360](#) [9/28/2018 9:00 PM, Nicole Narea] reports seventeen states have doubled down on their claim that the Trump administration's decision to rescind the Deferred Action for Childhood Arrivals program ran afoul of the Constitution's equal protection clause, arguing before the Second Circuit that they had sufficiently supported their assertion that President Donald Trump's animus toward Latinos was a motivating factor. On Thursday, the states urged the appeals court to uphold the district court's preliminary injunction keeping the program alive. They also asserted that the court cannot dismiss their Administrative Procedure Act claims at this time, and that a recent U.S. Department of Homeland Security memo rationalizing the end of the program cannot save the administration's defense. The states also argued that the district court properly refused to dismiss their substantive Administrative Procedure Act claims, because the states have not produced a full administrative record of its decision-making process. The whole record is needed to evaluate "asserted defects in the rationality and reasonableness of defendants' decisional process," they said. Moreover, the states argued that DHS Secretary Kirstjen Nielsen's June memo explaining the administration's decision to end the program cannot be considered in the case, because it is outside of the administrative record. But even if the court could evaluate the memo, it is an insufficient defense, because it "partly recycles the cursory and deficient rationales that defendants advanced in September 2017, and partly offers post hoc rationalizations that cannot salvage their September 2017 decision," they said.

U.S. Still Separating Families at Border When Children Are U.S. Citizens

[KQED](#) [9/28/2018 3:51 PM, Jean Guerrero, 194K, CA] reports that the U.S. government is still separating families at the U.S.-Mexico border when children involved are U.S. citizens. KPBS has obtained data from San Diego County showing that since July, at least 54 U.S.-citizen children have been transferred to Child Welfare Services by law enforcement agencies as "asylum referrals." This applies mostly to boys and girls separated from asylum-seeking parents at the border, including at ports of entry, said county protective services manager Lilian Nguyen. One recent case involves a seven-year-old boy separated from his asylum-seeking mother at the San Ysidro Port of Entry. President Trump said he was stopping the widely condemned family separation policy this June, but neither the language in his executive order nor the language in a San Diego federal judge's ruling against separations provide protection for unique instances when asylum-seekers enter with U.S.-citizen children. Both orders seek to maintain family unity when both the parents and the children are foreign nationals. The Department of Homeland Security said it still has a policy of separating "for the best interest of the child, for health or medical reasons, or for criminal background of the adult," according to spokeswoman Katie Waldman.

Immigration under Trump: If you can't afford it, don't come

[The Hill](#) [9/29/2018 2:00 PM, Dan Stein, 3846K] reports the Trump administration has issued a long-overdue regulation that clarifies existing law to ensure that immigrants pull their own weight -- and stay off welfare. The move is both sensible and should be applauded. Yet, before they even saw the text of the proposed regulation, it was attacked by open borders advocates opposed to any and all efforts to regulate immigration. Despite long-standing requirements to ensure that immigrants do not become dependent on public aid, they are in fact accessing that aid in large numbers. In today's information-based

economy, many immigrants possess skill-sets suited only to low-wage, low-skill industrial and agricultural jobs. As a result, many are dependent on taxpayer-funded welfare programs from the moment they arrive in the United States, even if they find employment. According to data from the Census Bureau's Survey of Income and Program Participation, by 2030, 7.5 million immigrants will be enrolled in Medicaid – placing a major strain on an already ailing program. Justifiably, the Trump administration has now promised to restore integrity to the public charge grounds of admissibility and deportability. It also plans to make aliens' use of public benefits programs a consideration during the naturalization process.

Reported similarly:

[WBUR](#) [9/28/2018 4:49 PM, Drs. Sarah Kimball, Nicolette Oleng & Elisabeth Poorman, MA]
[Miami Herald](#) [9/29/2018 3:32 PM, Daniel Shoer Roth, 1126K, FL]

Legal immigrants who abuse public benefits are now more likely to be deported

[Chicago Tribune](#) [9/29/2018 9:30 AM, Daniel Shoer Roth, IL] reports new Trump administration guidelines that expand the list of reasons for which immigrants can be summoned before an immigration judge to start deportation procedures will take effect Monday. The updated list, announced in July by the U.S. Citizenship and Immigration Service, includes the option of deporting legal immigrants if they violate federal or state programs related to "the reception of public benefits." The rules give immigration officials more leeway to issue Notices to Appear documents issued to noncitizens instructing them to appear in immigration court. The NTAs traditionally mark the beginning of a deportation process. Starting Monday, USCIS agents will be able to issue an NTA for a wider range of cases involving evidence of fraud, criminal activity or when a foreign citizen is denied an immigration benefit and therefore loses legal status to remain in the United States. The USCIS policy memorandum states its purpose is to align with Trump's executive order "for enhancing public safety," which "articulated the priorities for the removal of aliens from the United States."

Rosenstein defends zero-tolerance immigration policy

[ABA Journal](#) [10/1/2018 1:45 AM, Victor Li, 55K] reports Deputy Attorney General Rod Rosenstein received a rock-star welcome during the opening forum of the ABA Annual Meeting. Speaking to a standing room-only crowd, Rosenstein received multiple standing ovations as he discussed the importance of preserving and promoting the rule of law while defending U.S. Department of Justice policies regarding efforts to combat foreign meddling in U.S. elections and the recent zero-tolerance policy on illegal immigration. In a Q&A session with then-ABA President Hilarie Bass, Rosenstein affirmed his belief that zero tolerance was consistent with the rule of law, and that the DOJ was simply doing its job in enforcing the laws and treating everyone equally. "It would be wrong to say we're prosecuting everyone without regard to the law," said Rosenstein, who also stated that there were large numbers of people "blatantly violating the immigration laws of this country." He added that "If the facts of the law justify prosecution, then we're committing the resources to ensure everyone is treated equally rather than picking and choosing who will be prosecuted."

Bucking history: Trump's asylum policy does not represent America

[The Hill](#) [9/30/2018 4:00 PM, Bruce A. Beardsley] reports, do we know who we are as a nation? Nursing infants separated from their mothers. Children warehoused in cages, then moved to tent cities without parents. Thousands of youngsters unaccounted for after

separation at the border. Officials fumble and point fingers trying to lay the blame elsewhere. America's human and humane dimensions seem lost. Is this who we are as a nation? Even before American independence, settlers in the New World frequently saw themselves as morally superior: residents of the "city on the hill" serving as a beacon to others. While this beacon sometimes dimmed, we usually regained our moral compass with the passage of time — and a period of historical reflection. Refugees and asylum seekers proliferate in the world as we close our doors to them. When I was with the refugee programs in Malaysia and Thailand, my duties included urging the host countries to treat all asylum seekers humanely. In that we proudly led by example. U.S. policy then was dictated by the greater good of protecting minors who were at risk through no fault of their own. Now, decades later, many of those refugees who entered our country in poverty have become personally successful, greatly contributing to our country. They include doctors, teachers, senior military officers, scholars and job-creating entrepreneurs.

Faced with migration 'crisis,' U.S. border chief finds no easy fix in Central America

[Washington Post](#) [9/30/2018 12:24 PM, Nick Miroff, 11614K] reports that Kevin McAleenan, the commissioner of U.S. Customs and Border Protection, traveled last week to Central America's Northern Triangle – Guatemala, Honduras and El Salvador – to seek their governments' help and bring attention to a migration surge he has declared "a crisis." But instead of quick solutions, his trip mostly highlighted the deep structural forces threatening to send even more migrants north: hunger, joblessness and the gravitational pull of the American economy. The stream of families arriving at the border each week has left McAleenan and other Homeland Security officials making futile appeals to Congress to fix the problem, while maneuvering to detain migrant parents and children long enough for courts to process their immigration claims, which could take months. The number of Guatemalan migrants arrested at the U.S. border this year has nearly doubled as more indigenous villagers abandon the country's impoverished western highlands, where malnutrition rates exceed 65 percent, the highest in the Western Hemisphere, according to U.S. Agency for International Development data. According to U.S. Homeland Security statistics, only 1.4 percent of the family members from Northern Triangle countries who entered the United States illegally during the government's 2017 fiscal year have been returned to their home countries. The vast majority remain in the United States waiting for their asylum cases to be adjudicated, but an immigration court backlog of nearly 750,000 cases means it may be years before they appear before a judge.

[MA] Former ICE Supervisor: 'A Broken System' Led to Release of Illegal Immigrant Charged in Mass. Murder

[FOX News](#) [9/28/2018 7:00 PM, Staff] reports former ICE supervisor Jason Piccolo said on Fox & Friends that the illegal immigrant charged with murder aboard a fishing vessel sailing off Massachusetts was still in America because of a broken immigration system. Franklin Freddy Meave Vazquez was charged Wednesday with killing a crew member on the Captain Billy Haver and injuring two others by using a hammer and a knife. He was able to remain in the United States as a DACA recipient. His legal status was set to expire in 2015. Vazquez, who is from Mexico, was arrested for attempting to strangle his wife in March but was released on bond, a reason that Piccolo said he was able to stay in the U.S. "He was probably placed on an order of supervision by ICE and just let go," Piccolo said on Thursday. In a statement, a spokesperson at ICE, Immigration and Customs Enforcement, said Vazquez had to be released in April after posting bond. "It's a broken system," Piccolo said. "You cannot release someone with a violent past and a violent history who shouldn't

have been here originally." Vazquez was ordered to be held without bail after his court appearance on Wednesday. [Editorial note: consult source link for video]

[TX] Migrant Children Moved Under Cover of Darkness to a Texas Tent City

[New York Times](#) [9/30/2018 9:00 AM, Caitlin Dickerson, 25617K] reports that in shelters from Kansas to New York, hundreds of migrant children have been roused in the middle of the night in recent weeks and loaded onto buses with backpacks and snacks for a cross-country journey to their new home: a barren tent city on a sprawling patch of desert in West Texas. Until now, most undocumented children being held by federal immigration authorities had been housed in private foster homes or shelters, sleeping two or three to a room. They received formal schooling and regular visits with legal representatives assigned to their immigration cases. But in the rows of sand-colored tents in Tornillo, Tex., children in groups of 20, separated by gender, sleep lined up in bunks. There is no school: The children are given workbooks that they have no obligation to complete. Access to legal services is limited. These midnight voyages are playing out across the country, as the federal government struggles to find room for more than 13,000 detained migrant children — the largest population ever — whose numbers have increased more than fivefold since last year.

Last week, Matthew Albence, a senior official with Immigration and Customs Enforcement, testified before Congress that the agency had arrested dozens of people who applied to sponsor unaccompanied minors. The agency later confirmed that 70 percent of those arrested did not have prior criminal records. "Close to 80 percent of the individuals that are either sponsors or household members of sponsors are here in the country illegally, and a large chunk of those are criminal aliens. So we are continuing to pursue those individuals," Mr. Albence said.

[New York Magazine](#) [9/30/2018 4:47 PM, Opheli Garcia Lawler, 1913K, NY] reports that shelter workers anonymously told the Times that moves are done in the middle of the night to limit the likelihood of children attempting to escape once they discover that they are being moved. Sponsors have been reluctant to come forward to claim detained children, and many attribute this to the increasingly severe immigration policies under President Trump — a senior ICE official recently testified that the agency had arrested several people who came forward as sponsors due to their immigration status.

[The Hill](#) [9/30/2018 12:20 PM, Michael Burke, 3846K] reports that Evelyn Stauffer, a spokeswoman for the Department of Health and Human Services, told the Times. Stauffer added that the mass influx of migrant children is the result of a "broken immigration system." "The number of families and unaccompanied alien children apprehended are a symptom of the larger problem, namely a broken immigration system," Stauffer said.

Reported similarly:

[Newsweek](#) [9/30/2018 12:19 PM, Brendan Cole, 2126K]

[Slate](#) [9/30/2018 11:26 AM, Elliot Hannon]

[Mic](#) [9/30/2018 11:09 AM, Alison Durkee]

[ThinkProgress](#) [9/30/2018 11:09 AM, Adrienne Mahsa Varkiani]

[TX] Critics say new barriers on border bridge are meant to deter asylum-seekers

[The Texas Tribune](#) [10/1/2018 1:01 AM, Hannah Wiley, 131K, TX] reports Juliana Gonzales is a close observer of migrant foot traffic on the Texas-Mexico border; she makes a living washing cars as they wait to cross the international bridge into the United States. Lately, she's noticed a change: a big booth perched at the bridge's halfway point, where U.S. Customs and Border Protection agents are stopping and turning away asylum-seekers. Agents have been standing on various international bridges at least since June, a practice that coincided with the Trump administration's "zero tolerance" policy to prosecute immigrants crossing the border illegally. Customs and Border Protection officials confirm that they've installed the booth, surrounded by orange cones, halfway across the McAllen-Hidalgo International Bridge so agents can stop travelers before they make it to the official port of entry on the U.S. side. CBP spokesman Rick Pauza wrote in an email to The Texas Tribune that the structures were placed on the bridge between four and six weeks ago as a way to maintain the "flow of legitimate trade and travel." He added that there are no similar midpoint booths at other South Texas ports of entry.

[AZ] Migrant Families, Minors Crossing AZ Border Nearly Doubles 2017 Reports

[Breitbart](#) [9/30/2018 2:15 PM, Bob Price, 2213K] reports that Border Patrol agents in Arizona witnessed a near doubling in the number of migrant families and unaccompanied minors who are illegally crossing the border and putting their lives at risk in the desert. A recent report released by U.S. Customs and Border Protection reveals that the illegal crossing of Family Unit Aliens and Unaccompanied Alien Children increased from 13,181 in Fiscal Year 2017 year-to-date reports to 25,911 in Fiscal Year 2018 – a 98 percent increase, according to the August Southwest Border Migration report.

[OR] Oregon Department of Corrections Will No Longer Share Inmates' Family Information With ICE Officials

[Williamette Week](#) [9/28/2018 11:39 AM, Katie Shepherd, 121K, OR] reports that after a review ordered by the governor's office, the Oregon Department of Corrections has decided to no longer provide U.S. Immigration and Customs Enforcement officials the contact information for inmates' next-of-kin. WW first reported that a prison official had provided the address and phone number of a foreign-born inmate's family members in June. Governor Kate Brown asked ODOC to review its policies and practices related to communications with ICE. In an Aug. 8 memo ODOC sent to the governor's office, the agency reveals more details about why a prison official shared the next-of-kin information. "The ODOC provided next-of-kin information to ICE at their request in the course of verifying the status of an incarcerated individual; this information exchange occurred prior to House Bill 3464 becoming law on August 15, 2017," the memo says.

[CA] Attorney General Becerra Releases New Guidelines on Complying With 'Sanctuary' Policies

[KQED](#) [9/30/2018 2:01 PM, Michelle Wiley, 194K, CA] reports California Attorney General Xavier Becerra has released new guidance and model policies on how public institutions across the state should comply with so-called "sanctuary" policies. The policies outline best practices for collecting, retaining, and disclosing client information, addressing immigration status inquiries and how to respond to Immigration and Customs Enforcement activities. The model policies were issued as part of the guidelines laid out in Senate Bill 54, or the "California Values Act," which first established sanctuary laws in the state. The Attorney General's guidelines were issued for state-run colleges, libraries, hospitals, clinics, courthouses, shelters and labor agencies. But only those run by state or local governments

are required to adopt these — or equivalent — guidelines. Officials at ICE were not immediately available for comment.

[CA] ICE arrests at Fresno courthouse may stop, behind new sanctuary law policies

[Fresno Bee](#) [9/29/2018 6:47 PM, Yesenia Amaro, CA] reports in the wake of recent arrests of undocumented immigrants at courthouses in Fresno and other locations, State Attorney General Xavier Becerra issued clarified details how law enforcement and other local agencies are expected to interact with federal immigration officials. The most notable detail: Immigration agents "should not have access to restricted areas of court facilities" without a judicial warrant. Keep in mind that in most cases, immigration officials only have an "ICE Administrative warrant," which is not signed by a judge. That difference in who authorized the warrant could stop ICE arrests at courthouses. "An ICE warrant does not grant an immigration enforcement officer any special power to compel courthouse personnel to cooperate with his or her requests," the recommendations read. The new guidelines deal with the state's sanctuary law, otherwise known as Senate Bill 54, limiting local jurisdictions participation with Immigration and Customs Enforcement officials in arresting undocumented immigrants. In mid-July, U.S. Immigration and Customs Enforcement agents began to carry out arrests at the Fresno County Superior Court, prompting concerns over the individuals' rights to due process. ICE agents also made an appearance at the Tulare County Superior Court, plus detained an individual while his arraignment was concluding at the Sacramento County Superior Court in August. ICE Spokesman Richard A. Rocha said the agency didn't have an immediate comment.

Reported similarly: [San Diego Union-Tribune](#) [9/28/2018 12:50 PM, Luis Gomez, 320K, CA]

[CA] Fresno County sheriff says she follows state's sanctuary law. Critics say she helps ICE

[Modesto Bee](#) [9/29/2018 2:34 PM, Yesenia Amaro, 35K, CA] reports that immigration advocates and attorneys say the Fresno County Sheriff's Office has actively sought loopholes in California's sanctuary law to help federal immigration officials arrest undocumented immigrants – raising questions about the law's efficacy. The law, passed last year as Senate Bill 54, prohibits local law enforcement agencies from cooperating with federal Immigration and Customs Enforcement agents to detain undocumented immigrants, though certain offenses give local agencies discretion to work with ICE. Attorneys following SB 54 say there are loopholes in how it's written. In contrast, Sheriff Margaret Mims admits although she's not a fan of the law and thinks it threatens public safety, she's upholding it.

As an example of such a loophole, some have pointed to the recent case of Ramiro Gonzalez Alvarez, a 32-year-old undocumented immigrant from Mexico who served two months in Fresno County Jail for his third misdemeanor DUI. After serving his sentence, Alvarez was due to be released from jail. He was being processed in an area of the jail called the "release vestibule," a small room with a locked door on each end. As he was getting his wallet from correctional officers, two federal Immigration and Customs Enforcement agents were buzzed inside the secured room to detain him, according to Alvarez. Only correctional officers are able to buzz open the doors, and a sign on the door closest to the public lobby reads, "Entering secured area." "(The ICE agents) went inside to wait for me," Alvarez said in Spanish during a recent phone interview from Jalisco, Mexico. The agents took Alvarez into custody, and shortly afterward he was forced to sign a self deportation order, he said. ICE spokesman Richard A. Rocha said the agency had "no

criminal warrant" in Alvarez's case. He was "arrested administratively." Administrative arrests are for civil federal immigration violations. Rocha said Alvarez had been convicted of a DUI in March and had a previous DUI in 2016. Court records show Alvarez had a third misdemeanor DUI in 2010. The sanctuary law gives local agencies the discretion to cooperate with ICE only for "a conviction that is a felony" for DUI charges. Alvarez had been "voluntarily returned to Mexico by Border Patrol in 2009 following an illegal entry" into the U.S, Rocha said. He was "returned" to Mexico again in August.

[CA] Brown extends National Guard mission at California border through March

[San Diego Union-Tribune](#) [9/28/2018 5:30 PM, Kate Morrissey, 320K, CA] reports that the California National Guard will continue supporting Border Patrol through at least March, officials announced late Friday. In April, Gov. Jerry Brown approved a White House request for troops and authorized up to 400 members of the National Guard to work in support roles targeting transnational crime. The initial agreement between the Trump administration and the state of California lasted through the end of September, and Brown on Friday extended the agreement for an additional six months. The mission, Operation Guardian Support, is to "combat criminal gangs, human traffickers and illegal firearm and drug smugglers" within the state of California and at the border, according to Lt. Col. Tom Keegan, spokesman for the California National Guard. The troops are stationed in San Diego, El Centro and Riverside and funded by the federal government. President Donald Trump called for military support at the border after reports of a now-famous migrant caravan heading to the U.S. to ask for asylum.

Legal News

Immigration lawyers must deal with 'manufactured crisis'

[ABA Journal](#) [10/1/2018 1:25 AM, Lee Rawles and Lorelei Laird, 55K] reports attorneys who've spent their careers concentrating on immigration law and child welfare have been scrambling to deal with the fallout of the Trump administration's immigration crackdown. Attorney General Jeff Sessions' April announcement of a zero-tolerance policy for unauthorized border crossings and the family separations that followed seized public attention in the spring. Some immigration attorneys and child advocates noticed the effect of these policies much earlier. "We started seeing these cases in September of 2017-the government was separating children in different parts of the border," said Maria Woltjen, founder and executive director of the Young Center for Immigrant Children's Rights at the University of Chicago Law School. Sessions' April directive to U.S. attorney's offices caught many other government agencies and nonprofits off guard. "When zero tolerance was announced, this was actually new news for the individuals running the Office of Refugee Resettlement and the deportation officers, and policies and details were not in place," said Anne Chandler, executive director of the Tahirih Justice Center's Houston office. "This was orchestrated to be a manufactured crisis."

Do Migrant Teenagers Have Abortion Rights? Two Volatile Issues Collide in Court

[New York Times](#) [9/29/2018 1:54 PM, Robert Pear] reports that the Trump administration is claiming broad new authority to block access to abortions sought by undocumented immigrants under age 18 who are in its custody. In a case that brings together two of the most volatile issues in American society, immigration and abortion, the Justice Department argued this past week before a federal appeals court that the government "has a strong,

legitimate and profound interest in the life of the child in the womb." But a lawyer for the young immigrants said that federal efforts to restrict their access to abortion were "blatantly unconstitutional," and that Congress had never given the administration "statutory authority to veto a minor's abortion decision."

The United States Court of Appeals for the District of Columbia Circuit is hearing the case after a district court judge ruled in March that the Trump administration policy was probably illegal because it violated Supreme Court precedents on abortion and nullified a young woman's "right to make her own reproductive choices." The judge, Tanya S. Chutkan, issued a preliminary injunction that prohibits the government from obstructing or interfering with a pregnant minor's access to abortion services or counseling.

Judge in San Francisco Could Preserve Humanitarian Immigrant Protections, For Now

[KQED](#) [9/28/2018 2:30 PM, Farida Jhabvala Romero, 194K, CA] reports a federal judge in San Francisco is considering whether to temporarily halt the Trump administration's elimination of humanitarian protections for more than 300,000 non-citizens from El Salvador, Haiti, Nicaragua and Sudan. At a hearing this week, U.S. District Judge Edward M. Chen appeared receptive to lawyers representing immigrants with Temporary Protected Status and their U.S. citizen children, who asked the judge to block deportations while their class action lawsuit is heard. The plaintiffs claim the U.S. Department of Homeland Security broke practice with previous administrations and unlawfully ended the protections that have allowed immigrants to stay in the U.S. because of the disasters or war in their home countries. They argue the move was motivated by racial animus expressed by President Trump against non-white immigrants. During the two-hour-long hearing, Chen asked the attorney for the Department of Homeland Security about a newly disclosed document from 2017, in which then-DHS Secretary Elaine Duke wrote the TPS revocations were "the result of an America First view." "This fact alone suggests an awareness and some concern about the president's immigration policy and agenda," said Chen, who rejected the government's request to dismiss the lawsuit in June.

[NY] She Paid A Lawyer Thousands Of Dollars To Apply For A Green Card. She Got A Deportation Order Instead.

[BuzzFeed](#) [9/29/2018 10:04 AM, Lam Thuy Vo, 11771K] reports that Edith Duran had always wanted to come to the U.S. At 17, she got a tourist visa and traveled from her hometown, Zacapa, Guatemala, to New York City. She was excited to see the things she'd only known through movies, like the World Trade Center and snowflakes. After arriving in the U.S. in 2002, she decided to start a new life. She joined a church where she met her husband, and married him just shy of her 19th birthday. They found work — she cleaned homes and he did construction work — and their son, Alejandro, was born in 2009. They lived in a modest home on Long Island. There was one last piece of the puzzle: She wanted legal immigration status. A cousin recommended a lawyer. "As immigrants," Duran, now 33, told BuzzFeed News, "we are always trying to find out whether a law has changed recently that could help us get legal immigration papers."

She met Leonard Hecht around February of 2014. Court documents said he told her about "la ley de los 10 años" — "the 10-year law" — which he told her was a legal pathway to a green card. She and Hecht worked together for four years. He helped her get a temporary work permit, a fingerprinting appointment, an interview with an immigration officer at the

United States Citizenship and Immigration Services office, and hearings in immigration court. She went into her final court hearing in June 2018. Her eyes were set on getting a green card. Finally, it was time for the judge's oral decision. He spoke up. Duran, he said, should be deported. Duran fell victim to a common and effective fraud that plays off the hopes and fears of vulnerable undocumented immigrants: the "10-year law," a false promise that by virtue of living in the U.S. illegally for a decade, an immigrant has a right to apply for legal permanent residency. according to a new civil lawsuit in federal court, really what her lawyer was doing was stringing her along, draining her funds, and effectively duping her into coming out from the shadows and declaring her presence in the U.S. to the very government agents most undocumented immigrants spend lifetimes avoiding.

[NY] Researchers Aim to Unlock Data on Detained Immigrants as FOIA Lawsuit Advances

[New York Law Journal](#) [9/28/2018 4:44 PM, Dan M. Clark, NY] reports that U.S. District Judge Brenda Sannes of the Northern District of New York denied motions for summary judgment this week in the lawsuit-filed by researchers at Syracuse University – which alleges U.S. Immigration and Customs Enforcement has withheld data from researchers on immigrant detention requests since the beginning of the Trump administration. The lawsuit was brought against the federal agency by Susan Long and David Burnham, co-directors of the Transactional Records Access Clearinghouse at Syracuse University. ICE claimed, according to Sannes' decision, that it does not track the data that the plaintiffs requested, despite offering it to them previously. The agency said it may have voluntarily taken additional efforts to compile data for researchers in the past, but was no longer willing to do that. FOIA does not require an agency to produce documents that are not readily available. The plaintiffs rebutted that argument with evidence they said proves otherwise. A document from ICE on its Criminal Alien Program, for example, cited data on the percent of inmates in federal prison who are non-U.S. citizens. The plaintiffs also cited the documents they received from ICE before the stoppage, which they claim prove the agency tracks the data they're looking for. A spokeswoman for ICE declined to comment on the decision, citing the ongoing litigation.

[VA] Judge weighs bond for ex-Tech student after charge dropped

[Washington Post](#) [9/30/2018 4:36 PM, Associated Press] reports a judge in Virginia is considering whether to grant bond for a former Virginia Tech student after a felony gun charge against him was dismissed. TV station WSLS reported Sunday that a judge in an Arlington immigration court took a motion for bond under advisement during a hearing Thursday. A written order on the matter is expected sometime this week. The Chinese national had been accused of equipping an AR-15 with a 30-round magazine at a shooting range. Virginia prohibits non-citizens from having guns with magazines holding more than 20 rounds. But a judge dismissed the case, citing a lack of evidence presented by prosecutors. Zhao had been in immigration custody while awaiting trial. His attorneys have said Zhao hopes to remain in the U.S. and resume his higher education but not at Virginia Tech.

[WSLS](#) [9/30/2018 1:01 PM, Rachel Lucas and Tommy Lopez, 28K, VA] reports that a judge in Arlington has taken the motion for bond under advisement and is expected to issue a written order on the matter sometime this week. Zhao's future in the United States is unknown. Zhao's lawyers say he wants to remain in the United States and pursue a law degree.

[NE] O'Neill raid detainee claims ICE violated Civil Rights

[KSNB Local 4-TV](#) [9/28/2018 10:33 PM, Shannon Heckt, 1K, NE] reports that when Tomasa Perez-Zetino found herself detained in O'Neill back in August, ICE agents did not have a translator for her native Guatemalan language K'iche that day, which is the only language she knows fluently. "Tomasa was denied a right of translation in her native language and she's a woman who signed documents that she had no real knowledge of," LULAC Chair of National Committee and Immigration Julie Contreras said. "Today she comes with a legal advocate; she has an immigration attorney, and a whole organization." Friday she reported to the Immigration and Customs Enforcement office to meet with her immigration officer. She is applying for a visa but ICE says she has a two-year-old deportation notice. "Perez-Zetino, a translator and advocates acting on her behalf, recently met at the ICE office in Grand Island, Nebraska. ICE officials provided the advocates additional information and a new check-in date for Perez-Zetino, and this information was then passed to Perez-Zetino through an appropriate translator. She is not currently in ICE custody," said Shawn Neudauer, ICE spokesperson.

[CA] Snitch or leave. He says ICE beat him into an unholy pact

[Sacramento Bee](#) [9/30/2018 12:00 AM, Marcos Bretón, 587K, CA] reports that being in the U.S. without documentation is mostly a civil offense, but because immigration status has become so politicized, a person like Carlos Rueda has a target on his back for abuse. Last week, Rueda and his lawyer filed a \$750,000 claim against the U.S. Immigration and Customs Enforcement. "Some parts of this case are truly unprecedented," said Luis Angel Reyes, Rueda's San Francisco-based lawyer. "What's unprecedented to me is that ICE tried to coerce Carlos into putting him in the impossible situation of choosing between his liberty and that of other immigrants." "I can tell you that ICE does take seriously any allegation of misconduct," ICE spokesman Richard Rocha told The Bee's Anita Chabria last week.

Reported similarly: [Sacramento Bee](#) [9/30/2018 10:22 AM, Jose Luis Villegas, 587K, CA]

[CA] Calif. Can't Enforce Sanctuary Law Against City, Judge Says

[Law 360](#) [9/28/2018 5:52 PM, Nicole Narea] reports a California superior court on Thursday barred the state from enforcing a recently enacted law that limits local law enforcement's cooperation with federal immigration authorities as it pertains to charter cities, ruling in favor of Huntington Beach in its suit challenging the law as unconstitutional. Michael Gates, the city attorney for Huntington Beach, said that Orange County Superior Court Judge James Crandall had reached his decision in the case after a two-hour trial and oral arguments, issuing an injunction barring the state from enforcing the law, known as Senate Bill 54, against charter cities in an oral ruling from the bench. Counsel for the state had asked the judge not to enforce the injunction immediately, but he refused, allowing it to go into effect immediately, Gates said. A written order had yet to be issued as of Friday afternoon. Gates said that he anticipates the state will appeal the ruling. Last October, Gov. Jerry Brown signed SB 54, also known as the California Values Act, which stops state and local law enforcement officials — other than people who work in correctional facilities — from providing information about release dates or other information, such as home addresses of detainees, to federal immigration enforcers. A California federal court had upheld the law in July as part of a legal challenge brought by the Trump administration, which argued that it obstructed the enforcement of federal immigration laws.

[CA] State not backing down after Huntington Beach wins in court challenge to 'sanctuary' immigration law

[Los Angeles Times](#) [9/28/2018 5:10 PM, Priscella Vega] reports that despite an Orange County judge's ruling siding with Huntington Beach's claim that a California "sanctuary state" law expanding protections for undocumented immigrants is unconstitutional as it applies to charter cities, state Attorney General Xavier Becerra said Friday that the state will continue to uphold its laws. The Huntington Beach Police Department issued a news release Friday afternoon stating that the department "has, and will continue, to cooperate with Immigration and Customs Enforcement on matters concerning public safety within the parameters of the law. There are times when it is appropriate for us as a law enforcement agency to communicate with ICE, a fellow law enforcement agency, to enhance public safety. It is our goal to maintain discretion and have the option to communicate with other law enforcement agencies, and SB 54 limited that discretion." "But," the statement added, "our focus will continue to be overall public safety."

Reported similarly:

[CNBC](#) [9/29/2018 10:30 AM, Jeff Daniels, 5866K]

[Breitbart](#) [9/28/2018 10:58 AM, Joel B. Pollak, 2213K]

[KFI AM-640](#) [9/28/2018 6:03 PM, Morgan Cook, 22K, CA]

Enforcement News

ICE Arrests 40 Illegal Aliens in New England, Including Guatemalan Accused of Strangling Pregnant Woman

[Breitbart](#) [9/28/2018 12:42 AM, John Binder, 2213K] reports a total of 40 criminal and previously deported illegal aliens were arrested in the New England area by the Immigration and Customs Enforcement agency in a three-day operation last week. Across Massachusetts, New Hampshire, and Rhode Island, 40 illegal aliens from Mexico, El Salvador, Honduras, Guatemala, the Dominican Republic, Vietnam, and other regions were arrested in ICE's three-day sting, which sought out criminal and previously deported illegal aliens. "This operation has removed many dangerous individuals from the community and will help contribute to the safety and security throughout the entire region," ICE official Todd Lyons said in a statement. Of the total 40 illegal aliens arrested in the ICE sting, eight were previously deported from the U.S. Re-entering the country after being deported is a felony.

The [Boston Herald](#) [9/29/2018 5:31 AM, Marie Szaniszlo, 179K, MA] reports, "Part of the ICE/ERO mission is to make our communities safer places to live in by removing criminals; operations like this do exactly that," said Lyons. "Despite the daily obstacles faced from jurisdictions that take a 'sanctuary city' approach," Lyons said, "ICE will not allow them to prevent Enforcement and Removal Operations officers from accomplishing our mission or from protecting the communities in the New England region from the threat posed by at-large criminal aliens."

Reported similarly:

[New Hampshire Union Leader](#) [9/28/2018 11:28 PM, Staff, 51K, NH]

[NECN](#) [9/28/2018 1:44 PM, Staff, 36K, MA]

[Cape Cod Today](#) [9/28/2018 11:40 AM, Staff, 7K, MA]

[WPRI](#) [9/28/2018 1:04 PM, Nancy Krause, 47K, RI]

Border Patrol Arrests of MS-13 Gangsters Up 50 Percent in 2018

[Breitbart](#) [9/29/2018 8:21 PM, Bob Price, 2213K] reports that the number of MS-13 gang members arrested by U.S. Border Patrol agents increased nearly 50 percent so far this year when compared to all of Fiscal Year 2017. The number of 18th Street gang members arrested nearly doubled the previous year. With one month to go in the Fiscal Year 2018 reporting period, Border Patrol agents arrested 377 members of the hyperviolent transnational criminal gang known as MS-13, according to information obtained from U.S. Customs and Border Protection officials. The arrests indicate an increase of 47.8 percent over the total number arrested in Fiscal Year 2017. The 377 MS-13 gang members arrested so far this year is the highest number since Fiscal Year 2014 when 437 were arrested, officials stated. In addition to the MS-13 gang members, Border Patrol agents also arrested 126 members of the violent 18th Street gang after they illegally entered the U.S. from Mexico or were otherwise encountered by agents, the report from CBP officials stated. That number is more than double the total number of arrests of 18th Street gang members in all of FY2017. In total, Border Patrol agents successfully stopped 728 gang members from entering the U.S. this fiscal year.

Indians arrested for illegally entering U.S. nearly triples

[Reuters](#) [9/28/2018 4:45 PM, Andrew Hay, 5544K] reports the number of Indians arrested for illegally entering the United States has nearly tripled so far in 2018, making them one of the largest groups of illegal aliens apprehended, U.S. Customs and Border Protection said on Friday. Paying smuggling rings between \$25,000-\$50,000 per person, a growing number of Indians are illegally crossing the U.S.-Mexico border and claiming asylum for persecution, CBP spokesman Salvador Zamora said. Many present viable claims, but a large number are economic migrants with fraudulent petitions that swamp the system and can cause legitimate cases to be "washed out" in the high volume of fraud, Zamora said in an interview. Zamora said the CBP expects that the data for the fiscal year that ends on Sept. 30 will show "around 9,000" Indian nationals had been apprehended versus 3,162 in fiscal year 2017. Around 4,000 Indians who entered the United States illegally this year did so over a three-mile stretch of border fence at Mexicali, Zamora said.

The immigration enforcers

[The Week Magazine](#) [9/29/2018 5:40 AM, Staff, 461K, NY] reports that critics charge that ICE is out of control under President Trump. Why was ICE created? The 9/11 attacks, carried out by terrorists who entered the country legally, led many politicians to argue that INS wasn't up to the task and that immigration rules needed to be more strictly enforced. The federal immigration bureaucracy was integrated into the new Department of Homeland Security and split into three agencies. Legal immigration would be handled by the U.S. Citizenship and Immigration Services, border enforcement by Customs and Border Protection, and the enforcement of immigration law inside the U.S. by Immigration and Customs Enforcement. The agency set as its goal a "100 percent rate of removal for all removable aliens" – a category that encompasses more than 11 million people, including those who have crossed the border illegally or overstayed their visa, and lawful resident immigrants who have committed a felony. Arrests of workers solely for being in the country illegally went from 445 in 2003 to 3,667 in 2006. "Gone are the days where individuals will find a haven here," ICE spokesman Greg Palmore said in 2007. What's happened under Trump? Trump came into office promising a "zero tolerance" immigration regime. "If you're in this country illegally," ICE acting director Thomas Homan said in 2017, "you should look over your shoulder."

[CT] New London group helps free man from immigration detention center

[The Day](#) [9/30/2018 8:29 PM, Karen Florin, 28K, CT] reports that Roberto Rauda said he was sitting in a dormitory in a Massachusetts immigrant detention facility, feeling miserable about life on a rainy day in August, when a correction officer told him a group of protesters near the prison entrance was demanding his freedom. Rauda was released on \$3,500 bail Wednesday after members of the newly formed immigration advocacy group Unidos Sin Fronteras rallied on his behalf. He was granted Temporary Protective Status and a work permit when he fled to the United States in 2000 from his gang-infested homeland. He said he paid legal fees for years to keep the protected status and never received the order of removal that federal Immigration and Customs Enforcement agents told him about when they detained him in May outside the state courthouse on Broad Street in New London.

[NY] Immigrant farm workers forced off Hermon dairy farm

[Watertown Daily Times](#) [9/29/2018 12:30 AM, Susan Mende, 16K, NY] reports eight days ago, Gebarten Acres, a large dairy farm on East DeKalb Road, was forced to lay off 17 farm workers from Guatemala and Mexico after an investigation by federal officials showed the immigrant farm workers lacked documentation to legally work in the United States. Greg J. Collier, co-owner of the 2,800-cow farm, said Friday that three other immigrant workers were allowed to stay, but they decided to leave with the other 17. Mr. Collier, 43, said officials with U.S. Immigration and Customs Enforcement found that identification documents the workers provided did not match information kept by federal immigration officials. Although 17 immigrant workers were let go from the farm, Mr. Collier said they were not taken into custody by ICE officials. Khaalid Walls, the Northeast regional spokesman for ICE, would not discuss the situation. "We will decline to discuss specific investigations," Mr. Walls said in an email response.

Reported similarly: [WWNY](#) [9/28/2018 4:16 PM, Staff, 15K, NY]

[NY] ICE Defied a Court Order in Vendetta Against Deportee

[The Intercept](#) [9/29/2018 7:30 AM, Alice Speri, 441K] reports Danny Michel's daughter and attorneys kept refreshing a map tracking his flight as they walked into federal court in Brooklyn on a sweltering Monday evening last month. On their phones, they watched his JetBlue flight from Port-au-Prince land at JFK airport as they waited for the after-hours judge on duty to see them. Timing was key: U.S. Immigration and Customs Enforcement had warned that they would detain Michel as soon as he stepped on U.S. soil. They needed the judge to stop ICE before it got to him. Michel's attorneys succeeded, but for the next several hours, they found themselves fighting with the government to have their client released while ICE held him in violation of the judge's order. By the time he finally walked free the next day, Michel had been in ICE custody – illegally – since landing in the U.S. nearly 10 hours earlier. Born in Haiti, Michel was raised in Brooklyn and was living on Long Island when two drug convictions triggered deportation proceedings against him in 1999.

Michel spent the next six years, until 2005, in an immigration detention center in upstate New York, then 10 more years under a deportation order but free on bond, meaning that he had to check in regularly with immigration officials - which he did religiously. Then in June 2016, without notice, Michel was detained at his regular check-in, sent to ICE facilities in Alabama and Florida, and deported in July. Legal Aid filed a motion with the Board of Immigration Appeals challenging a years-old deportation order against him, on the grounds that he had become eligible for citizenship decades earlier, and that the charges filed

against him were no longer considered removable offenses. The U.S. Attorney's Office for the Eastern District of New York, which represented ICE in court, declined to comment.

[NJ] Repeat immigration offender in South Jersey faces removal to Honduras

[Courier Post](#) [9/28/2018 2:23 PM, Jim Walsh, 12K, NJ] reports that a native of Honduras faces deportation after pleading guilty to illegally re-entering the United States – for the third time. Yonis Eraldo Mencias-Castro, a 33-year-old painter, received a 30-day prison sentence at a federal court hearing Monday in Camden. Under a plea agreement, he will not challenge reinstatement of an order for his removal from the country. Mencias-Castro previously had applied to avoid removal "based on an alleged fear" of returning to his Central American country, the plea agreement notes.

[DE] Swedesboro man gets life sentence for nightclub murder in Delaware

[Courier Post](#) [9/28/2018 8:00 PM, Xerxes Wilson, 12K, NJ] reports that a South Jersey man was sentenced to life in prison for killing a man outside a nightclub in Delaware. A New Castle County Superior Court jury on Sept. 19 found Elder Saavedra, 26, of Swedesboro guilty of first-degree murder and a weapons charge. He killed Lester Mateo, 24, of Pennsville in March 2017. Police, who arrested Saavedra months after the killing, said the murder followed an altercation among several people that spilled outside El Nuevo Rodeo club in Bear, Delaware. Several people at the club identified Saavedra as being involved in the altercation and some told police he was the man who struck the victim, court records state. He was in jail on a detainer issued by Immigration and Customs Enforcement when local police issued a warrant for his arrest last year.

[MO] Brazilian man sentenced in illegal immigration case in Missoula's federal court

[Missoulian](#) [9/28/2018 11:38 AM, Seaborn Larson, 39K, MT] reports that a Brazilian man was sentenced in federal court Friday and ordered to begin the deportation process after reportedly admitting to illegally entering the country in July. Valdeson Alves Cordeiro's sentence was typical for these cases that pass through the federal courts here: time served and released to federal immigration officials to begin deportation proceedings. Cordeiro has been in federal custody for about two months since a traffic stop near Butte, when he reportedly gave a Montana Highway Patrol trooper a false name, according to court documents. The trooper reportedly discovered Cordeiro's Brazilian nationality through his passport, and arrested him for obstructing a peace officer. State authorities then alerted investigators with U.S. Immigration and Customs Enforcement.

[LA] Disgraced Katrina literary hero Abdulrahman Zeitoun ordered deported, but released after prison term

[The Advocate](#) [9/28/2018 2:35 PM, John Simerman, 161K, LA] reports that if it were up to Kathy Zeitoun, her ex-husband would be locked up until peace comes to Syria. But that's not what happened. Abdulrahman Zeitoun – a New Orleans painting contractor who became a Katrina literary hero until he was accused of trying to beat Kathy Zeitoun to death with a tire iron on Prytanis Street – was ordered deported last week by an immigration judge, but then was freed Thursday afternoon from federal detention. That's because Zeitoun's native country of Syria, which he left decades ago before arriving to the U.S. aboard an oil tanker, is a nation engulfed in a war with no end in sight, and no diplomatic relations in place to facilitate his deportation there. Zeitoun, 60, who completed a 4-year Louisiana prison sentence in March from a felony stalking conviction, can remain free in the U.S. as an unlawful resident, stripped of his green card. He'll be subject to federal

supervision, and possible re-detention or deportation, indefinitely.

Zeitoun is now among several thousand immigrant felons who are living illegally in the country while under deportation orders that have been deemed impossible to execute, at least for the time being. Bryan Cox, ICE spokesman for the southern region, said he couldn't discuss details of Zeitoun's immigration proceedings but confirmed that a judge on Sept. 19 ordered him removed from the country, and that he was released Thursday afternoon. Cox said such releases are required under federal law for "an individual for whom there is not a significant likelihood of removal in the foreseeable future."

[OH] A Mother Returns After 17 Month Separation From Her Family

[WVXU](#) [9/28/2018 4:00 AM, Maryanne Zeleznik, 8K, OH] reports that Maribel Trujillo Diaz, who was deported in April, 2017, has returned home to Fairfield. According to her attorneys, Trujillo recently reunited with her family after 17 months of separation. A news release says she was "returned to the United States from Mexico to attend her ongoing immigration hearings at the Cleveland Immigration Court." Joining Cincinnati Edition to discuss the deportation and return of Maribel Trujillo Diaz is Cincinnati Enquirer Race and Communities reporter Mark Curnutte. [Editorial note: consult source link for audio]

[MI] ICE allows deaf Detroit immigrant to stay in U.S. for 1 more year

[Detroit Free Press](#) [9/30/2018 1:18 PM, Niraj Warikoo, MI] reports that after a public outcry, ICE is allowing Francis Anwana, a deaf and disabled immigrant in Detroit, to stay in the United States for at least one more year. "After a thorough review of Mr. Anwana's case, in conjunction with his request for a stay of removal, ICE has granted his request for a period of one year," Khaalid Walls, spokesman for ICE (Immigration and Customs Enforcement), said Thursday. "A stay of removal is among the discretionary actions that a field office director for ICE's Enforcement and Removal Operations may exercise on a case by case basis." Anwana, 48, an immigrant from Nigeria who has lived in the U.S. since he was 13, had been facing deportation to his native country. He was told the first week of September he had to leave the U.S. on Sept. 11, giving him just a few days to leave for Nigeria, where he hasn't lived since the 1980s. The decision shocked his supporters who said it would be a virtual death sentence for him. ICE then delayed his deportation for a month and now has given him at least a year more. Anwana is deaf, can't speak, and has cognitive disabilities that make him read at only a second-grade level. His case had drawn national attention and outrage from civil rights groups. U.S. Rep. Dan Kildee, D-Flint, introduced a bill in Congress to allow him to remain in the U.S. In 2008, an immigration judge with the Department of Justice's Executive Office for Immigration Review ordered Anwana to be removed from the U.S. In 2009, ICE placed him on an order of supervision because, at the time, the agency was unable to obtain a travel document from his home country.

Reported similarly: [Detroit Metro Times](#) [9/28/2018 2:16 PM, Lee DeVito, 38K, MI]

[WI] Mark Pocan: Few answers from ICE on raids in Wisconsin

[Capital Times](#) [9/28/2018 12:20 PM, Bill Novak, 142K, WI] reports U.S. Rep. Mark Pocan said he didn't learn much about the Immigration and Customs Enforcement raids in Wisconsin last week when meeting with officials in Washington, D.C., on Thursday. "I asked many questions but unfortunately did not get many answers," Pocan, D-Black Earth, said in a statement Friday. "The agency could not tell me how many agents are working in Wisconsin or the 2nd Congressional District, what offenses those detained had committed,

the names of those detained or how we can get in contact with them, and whether agents followed proper protocol regarding medical conditions or minors," Pocan said. "The agency said, however, they would investigate these issues and give me answers." Pocan did find out there is a list of 250 individuals targeted by ICE in Wisconsin. Eighty-three people were arrested last weekend. "ICE claims they reached out to local law enforcement, but we have asked for detailed call logs of who they attempted to contact and when," Pocan said. Madison Police Department spokesman Joel DeSpain said on Tuesday the department had not been in touch with ICE.

Reported similarly:

[FOX 47](#) [9/28/2018 3:23 PM, Staff, WI]

[Gazette Extra](#) [9/28/2018 3:45 PM, Frank Schultz, 9K, WI]

[WI] Not all Madison City Council members agreed to statement condemning ICE 'enforcement surge'

[Wisconsin State Journal](#) [9/28/2018 11:03 AM, Kelly Meyerhofer, 55K, WI] reports at least one Madison City Council member said he asked that his name not be included in a Wednesday statement admonishing U.S. Immigration and Customs Enforcement's four-day "enforcement surge" in Wisconsin as "racist and xenophobic," a request he says was not honored. The email sent to media by Deputy Mayor Katie Crawley noted the statement came from Mayor Paul Soglin and "many members" of the City Council. Ald. Paul Skidmore, 9th District, said he agreed with parts of the message, but not all of it. One of the council's more conservative members, Skidmore declined to identify which sections he disagreed with in the statement, saying he plans to produce his own response over the weekend. Skidmore also took issue with the process in which the council's statement was produced, going so far as to question whether it was a violation of the state's open meetings law.

[TX] Alleged Zetas assassin known as 'Scarface' extradited through Laredo

[Laredo Morning Times](#) [9/29/2018 1:54 PM, Cesar Rodriguez, TX] reports that a suspected assassin for the Zetas drug cartel — accused of committing homicides in the border town of Piedras Negras, Mexico — has been deported through Laredo. Jose Antonio Hernandez-Rangel, 26, who is also known as Jose Yobani Hernandez-Sanches, or "Scarface," is a Mexican citizen who was in the United States illegally. U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations officers turned him over to Mexican authorities from Coahuila on Wednesday at the Juarez-Lincoln International Bridge. "Hernandez-Rangel will now face justice in Mexico for his alleged involvement in multiple homicides," said Daniel Bible, field office director for Enforcement and Removal Operations in San Antonio. "This office works closely with our foreign law enforcement partners to repatriate fugitives who enter the United States to escape justice for crimes committed in their home countries."

On Nov. 14, Hernandez-Rangel was convicted in a Texas federal court of entering the country illegally and was sentenced to 90 days in prison. ICE took custody of him upon his release on Feb. 8 and deported him Wednesday. The agency added, "Since Oct. 1, 2009, Immigration and Customs Enforcement's Enforcement and Removal Operations has removed more than 1,700 foreign fugitives from the United States who were sought in their native countries for serious crimes, including kidnapping, rape and murder. ICE removed or returned 226,119 aliens in fiscal year 2017. The proportion of fiscal year 2017 removals resulting from ICE arrests increased by nearly 10 percent over the previous fiscal year, and

the number of ICE interior removals in fiscal year 2017 increased by over 15,000 from fiscal year 2016."

Reported similarly: [KGNS](#) [9/28/2018 9:51 AM, Staff, 8K, TX]

[TX] Illegal Immigrant Charged With Assaulting ICE Contract Nurse

[KURV](#) [9/28/2018 1:09 PM, Staff, TX] reports an illegal immigrant held at a Port Isabel detention center is charged with hitting a nurse. Charges were filed on Tuesday against Honduran native Nelson Orteza after he allegedly used his fist to smack the health care worker. The nurse working under contract with ICE was taking his blood pressure at the time. Orteza has a court date on October 3rd.

[AZ] Border Patrol Station Agents Apprehend 270 Migrants in One Day

[Breitbart](#) [9/28/2018 9:24 AM, Bob Price, 2213K] reports that Tucson Sector Border Patrol agents assigned to the Ajo Station in southwest Arizona apprehended nearly 270 migrants in less than 24 hours. The apprehensions illustrate the trend of migrant crossing in the dangerous Arizona desert continues in increasing numbers. Ajo Station Border Patrol agents patrolling west of the Lukeville port of entry came upon a group of 164 migrants on Tuesday afternoon. The following day, agents encountered another group of 100 migrants in the same area, according to Tucson Sector Border Patrol officials. Officials stated the two groups were composed of family units and juveniles who traveled to the U.S. from El Salvador, Guatemala, and Honduras. The migrants ranged in age from 11-months to 59-years-old. All of the migrants were in good health, officials stated. Tucson Sector officials are seeing a significant increase in the apprehension of families and unaccompanied minors this year, Breitbart Texas reported. The arrest of Family Unit Aliens in the Tucson Sector increased from 1,755 in FY 2017 to 3,431 in FY 2018 – up 95 percent, according to the August Southwest Border Migration Report. Unaccompanied Alien Children apprehension rose by 44 percent from 2,994 in FY 2017 to 4,323 in FY 2018.

[AZ] 11 undocumented migrants found locked inside pickup truck bed west of Tucson

[AZ Central](#) [9/29/2018 4:06 PM, Chris Coppola, 665K, AZ] reports that a Tucson man was arrested after 11 undocumented migrants suffering from heat-related illnesses were found locked under a steel door covering his pickup truck Thursday west of Tucson, the U.S. Border and Customs Protection said. The 25-year-old man, who was not identified, was stopped along State Route 86 in an F-250 pickup truck, the agency said in a news release. A Border Patrol K-9 dog alerted onto the truck after the driver gave consent for the dog to check the vehicle, officials said. The driver said he was unable to open a locked, steel-hinged door covering the bed of the truck, forcing agents to pry it open, according to the release. Inside, agents found the 11 individuals lying on top of one another without water or air-conditioning and unable to escape, officials said. All were showing signs of heat-related illness, the release said. The driver was arrested and faces charges of human smuggling, according to the U.S. Customs and Border Protection. The 11 people found in the truck were processed for immigration violations, the agency said.

[NV] ICE officials make 102 arrests throughout Nevada during six day operation

[FOX 5](#) [9/29/2018 9:30 AM, Gabriella Benavidez, NV] reports U.S. Immigration and Customs Enforcement's Enforcement Removal Operations announced its officers arrested 102 individuals throughout Nevada during a six-day period. ICE officials said the operation

started Sept. 21 and ended on Sept. 27. The operation targeted "criminal aliens and other immigration violators." Those who were targeted by ERO had previous criminal convictions for serious or violent offenses. The offense included assault, battery, domestic violence, driving under the influence, weapons charges and drug violations, ICE officials said. The United States Marshals Fugitive Task Force assisted ERO deportation officers in the operation. "This operation reflects ICE's continued effort to uphold public safety by focusing on removing criminal aliens," Robert Culley, field office director for ERO Salt Lake City, said. Culley's field covers the states of Idaho, Nevada, Montana and Utah. "These operations highlight ICE's vital role in keeping our communities safe." According to ICE officials, of the individuals who were arrested and are not being federally prosecuted, will be processed for removal from the United States. The remaining individuals in ICE's custody are currently waiting for a hearing before an immigration judge or pending travel arrangements for removal in the near future, according to officials.

[NV] ICE operation nets 67 arrests in Las Vegas area

[Las Vegas Sun](#) [9/28/2018 3:59 PM, Ricardo Torres-Cortez, 83K, NV] reports an operation led by U.S. Immigration and Customs Enforcement agents in Nevada this month netted 67 arrests in Clark County, mostly people previously convicted on serious and violent offenses, the federal agency announced today. A total of 102 people – 96 males and six females – were taken into custody in the six-day operation, which concluded Sept. 27, officials said. Most of those arrested were nationals of the Bahamas, China, El Salvador, Guatemala, Mexico, Nicaragua, the Philippines and the United Kingdom, officials said. The majority of immigrants targeted had previous convictions on charges such as assault, battery, domestic battery, domestic violence, DUI, and weapons and drug charges, officials said. "The arrestees who are not being federally prosecuted will be processed administratively for removal from the United States," a news release said. "This operation reflects ICE's continued effort to uphold public safety by focusing on removing criminal aliens," Robert Culley, the agency's regional field office director, said in the news release. "These operations highlight ICE's vital role in keeping our communities safe."

Reported similarly:

[Epoch Times](#) [9/30/2018 7:46 PM, Mandy Huang, 512K, NY]

[Las Vegas Review-Journal](#) [9/28/2018 9:43 PM, Katelyn Newberg, NV]

[KLAS-TV](#) [9/28/2018 3:35 PM, Nikki Bowers, 63K, NV]

[KTNV](#) [9/28/2018 3:44 PM, Staff, 55K, NV]

[KSNV](#) [9/28/2018 8:09 PM, Staff, 24K, NV]

[WA] Man ends month-long hunger strike at immigration detention center in Tacoma, ICE says

[Tacoma News Tribune](#) [9/28/2018 4:39 PM, Alexis Krell, 63K, WA] reports that a man who sued to prevent being force fed at the immigration detention center in Tacoma has ended his month-long hunger strike, according to U.S. Immigration and Customs Enforcement. "Viacheslav Poliakov began accepting scheduled meals Sept. 21 and continues to do so without intervention," ICE said Friday in an email to The News Tribune. Poliakov, a Russian citizen, was protesting conditions at the Northwest Detention Center on the Tacoma Tideflats, and was seeking better access for detainees to medical care, supporters said. A judge denied a temporary restraining order Poliakov sought earlier this month to keep ICE from force-feeding detainees who go on hunger strikes. ICE wrote the court that the agency hadn't asked for an order to force-feed Poliakov, but that it shouldn't be prevented from

seeking one. He's no longer under medical observation, ICE said. "ICE respects the rights of all people to voice their opinion without interference," the agency's statement said. "ICE does not retaliate in any way against hunger strikers and explains the negative health effects of not eating to our detainees. Additionally, for their health and safety, ICE closely monitors the food and water intake of those detainees identified as being on a hunger strike."

[CA] Sanctuary State: ICE Arrests 150 Criminal, Previously Deported Illegal Aliens Across California

[Breitbart](#) [9/28/2018 12:28 AM, John Binder, 2213K] reports that the Immigration and Customs Enforcement (ICE) agency arrested 150 criminal and previously deported illegal aliens across the Los Angeles, California region this week. ICE officials say about 40 percent of the illegal aliens arrested in the sweep had been previously released by state or local officials in accordance with California's "sanctuary state" policy, which gives safe haven and shelter to all illegal aliens, including those with criminal convictions. "The state laws preventing ICE from working in the jails is significantly impacting public safety by letting serious repeat offenders back out onto our streets," ICE official Thomas Giles said in a statement. "Our presence would be focused in the jails, rather than in the streets, and safer for all involved, if ICE could again coordinate transfers of criminal aliens with local jails," Giles said. ICE officials say all illegal aliens who were arrested in the raid who are not being criminally prosecuted will be deported from the U.S. Illegal aliens who were previously deported "are subject to immediate removal from the country," ICE officials said.

Reported similarly: [KHTS](#) [9/28/2018 2:00 PM, Devon Miller, 7K, CA]

[CA] Deported six times, illegal alien kills again and again

[Spero News](#) [9/28/2018 5:05 PM, Martin Barillas, 4K, TX] reports that Ramon Alberto Escobar, a native of El Salvador who has been deported six times from the U.S., faced charges in Los Angeles of having bludgeoned three men to death and severely injuring five more in a series of assaults on homeless victims. The 47-year-old convicted burglar was arrested on Monday after allegedly bashing a sleeping man on the head with a pair of bolt-cutters in Santa Monica – a suburb and beach town in the environs of Los Angeles – according to authorities. According to the Los Angeles County District Attorney's Office, seven other men were attacked in a similar fashion earlier in September. The Los Angeles District Attorney's office formally charged Escobar on Wednesday with three counts of murder, five counts of attempted murder, as well as four counts of robbery. Escobar faces a minimum sentence of life without parole, if convicted. He is now jailed without bond. An arraignment is due on November 8. No plea was entered. According to U.S. Immigration and Customs Enforcement, Escobar was deported to his native El Salvador six times between 1977 and 2011. He already has six felony convictions for burglary and illegal re-entry to the United States. He was confined for five years in a Texas prison for burglary from 1995 to 2000, according to police.

Reported similarly: [Santa Monica Mirror](#) [9/28/2018 3:43 PM, Sam Catanzaro, CA]

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS
www.TechMIS.com

Tuesday, Oct. 2, 2018

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Executive Office for Immigration Review

46 new immigration judges

[Politico](#) [10/1/2018 10:00 AM, Rebecca Rainey, 3106K] reports the Executive Office for Immigration Review announced a new class of 46 immigration judges, including two assistant chief immigration judges on Friday. This is the largest class of judges at EOIR, topping the 44 hired in September. "At this point in history your work is vitally important. The case backlog has reached more than 760,000. Great effort is surely needed," said Attorney General Jeff Sessions at the ceremony Friday. "This situation is unacceptable. It cannot continue. Our nation's chief executive supports you and all who strive to make our immigration system work." Sessions has said that he plans to increase the number of immigration judges by 50 percent by the end of the year.

We need an independent immigration court system

[The Hill](#) [10/1/2018 7:00 AM, Ben Johnson, 3846K] reports that more than 200 years ago, the framers of the Constitution distributed federal power among three branches of government to ensure that no single branch was unchecked. Today, we are seeing that principle eroded as Attorney General wields his considerable authority over the immigration courts to advance a transparently anti-immigrant agenda. In the process, he is bending the system to its breaking point. Many Americans are not aware that our nation's immigration courts, unlike other courts, are a part of the U.S. Department of Justice – the very same law-enforcement agency that is charged with prosecuting immigration cases in federal courts. Just as it would be unacceptable for a district attorney to supervise trial judges, it should be unacceptable for the Attorney General to control the jurisprudence, docket management, and even the terms of employment of immigration judges. This has long been recognized as a fundamental structural flaw in our immigration court system, but Congress has so far failed to rectify the situation and create a new system that is truly independent.

This flaw in our judicial system has made it vulnerable to the extreme policies of the

Attorney General. One such policy goes into effect today, Oct. 1 – the imposition of numerical quotas to measure the performance of immigration judges. These quotas will require judges to adjudicate a minimum of 700 cases each year or possibly face disciplinary action. The National Association of Immigration Judges opposes the move, calling it a "death knell for judicial independence." The judges argue that quotas will compromise the integrity of the court, undermine due process, and add to the court's backlog, which now exceeds 700,000 cases.

Statement of Former Immigration Judges and BIA Members Opposing IJ Quotas

[LexisNexis Legal NewsRoom](#) [10/1/2018 7:10 PM, Staff] reports, "As former Immigration Judges and BIA Members, we join our former colleagues in the NAIJ in decrying the imposition of much-criticized performance quotas on sitting Immigration Judges. Experience has demonstrated that it is futile to protest to the present Attorney General and his appointed EOIR Director, who have repeatedly demonstrated a callous disregard for due process, fundamental fairness, or judicial independence in the immigration courts. Jeff Sessions has repeatedly demonstrated his personal bias against both immigrants and judges. With the help of his EOIR Director, James McHenry, Sessions has taken a series of steps designed to strip the judges that he controls of all of the independence and powers that distinguish them as judges, and thus turn them into assembly-line workers. And because of Sessions's disdain for immigrants, in his mind, those assembly lines should be issuing deportation orders, at faster speeds and in larger numbers. Never before, in our experience, has EOIR so directly and strongly undermined the decisional independence of Immigration Judges."

"We therefore appeal at present to the leadership of the Office of the Chief Immigration Judge. Holding the title of "judges" themselves, the Chief, Deputy Chief, and Assistant Chief Immigration Judges are entrusted to protect the integrity of the Immigration Courts and the rights and independence of the Immigration Judges they oversee. At present, the OCIJ leadership has completely abandoned these responsibilities, and have instead become complicit with those seeking to undermine the system they are charged to protect. Now more than ever, our country needs leadership within EOIR with the courage and integrity to stand up for what is right. Courage, integrity, and impartiality from political considerations are hallmarks of good judges. It is time for EOIR's leadership to live up to the trust placed in them and begin to display such characteristics. Likewise, individual judges must continue to be guided by the need to do what is just and right, and not what is expedient. We have faith that if forced to choose between meeting randomly imposed quotas and doing justice, those on the bench will choose the latter."

[NY] New York City's immigration case backlog is worst in the nation

[New York Daily News](#) [10/1/2018 6:00 AM, Stephen Rex Brown, 1842K, NY] reports that a Jamaican woman horrifically tortured and raped by her uncle has been in ICE detention for nearly a year and a half – a tragic case that highlights the growing gridlock in the city's immigration court. The woman, who the Daily News is not naming because she is a rape victim, has been locked up in an ICE jail in Hudson County, N.J. since May 4, 2017. Her harrowing story highlights the unprecedented backlog in New York immigration court, where the number of pending cases was 99,919 at the end of August – the most of any city in the country. The data compiled by Syracuse University's Transactional Records Access Clearinghouse shows the number of pending immigration cases in the city – nearly all of

them deportation cases – has nearly doubled since fiscal year 2014, when there were 54,964 pending cases.

Policy and Legislative News

Hundreds of children are still separated from their parents. When will this end?

[Washington Post](#) [10/1/2018 7:35 PM, Staff, 11614K] reports that like an electrocardiogram or a stock ticker, filings in a California federal court case known as *Ms. L. vs. U.S. Immigration and Customs Enforcement* provide a real-time and precise gauge – in this case, of the residual but ongoing cruelty visited upon children by the Trump administration's family separation policy. In its fully realized form, that policy lasted just six weeks, but its remnants – in trauma inflicted, lives upended and tears – live to this day. More than three months after President Trump signed an order ending family separations, hundreds of children separated from their parents by U.S. officials remain apart. In the case of more than two-thirds of them, their parents were deported – often without knowing how or whether they might be reunified with their children. At this point, the parents of dozens of the children have waived reunification, opting to have their children pursue asylum cases in the United States. Several dozen more separated children have parents who are still in the United States; most are expected to be rejoined shortly. In about 100 other cases the children remain separated from deported parents. Some may be rejoined in the coming weeks, but the majority have parents who have not been located, or for whom no phone numbers have been found, or from whom information is incomplete. As the *New York Times* reported, the population of detained children at the tent camp in Tornillo, Tex., has swollen despite the fact that border crossings have been steady in recent months. That's because sponsors with whom the children would have been placed in the past – in many cases, undocumented immigrants – have been scared away by the administration's threats and policies. ICE last month acknowledged arresting dozens of people who applied to be sponsors.

Trump's family separation policy was flawed from the start, watchdog review says

[Washington Post](#) [10/1/2018 7:44 PM, Nick Miroff, Maria Sacchetti and Seung Min Kim, 11614K] reports that the Trump administration's "zero tolerance" crackdown at the border this spring was troubled from the outset by planning shortfalls, widespread communication failures and administrative indifference to the separation of small children from their parents, according to an unpublished report by the Department of Homeland Security's internal watchdog. The report, a copy of which was obtained by *The Washington Post*, is the government's first attempt to autopsy the chaos produced between May 5 and June 20, when President Trump abruptly halted the separations under mounting pressure from his party and members of his family. The DHS Office of Inspector General's review found at least 860 migrant children were left in Border Patrol holding cells longer than the 72-hour limit mandated by U.S. courts, with one minor confined for 12 days and another for 25. Many of those children were put in chain-link holding pens in the Rio Grande Valley of southern Texas. The facilities were designed as short-term way stations, lacking beds and showers, while the children awaited transfer to shelters run by the Department of Health and Human Services.

DHS 'not fully prepared' to implement border child separation policy, IG finds

[Chicago Sun-Times](#) [10/1/2018 5:31 PM, Lynn Sweet, 294K, IL] reports the Department of Homeland Security was "not fully prepared to implement" the Trump administration's "zero tolerance" policy of separating children from their parents, at the southern border, according to an Inspector General report obtained by the Chicago Sun-Times. "The IG also said in the report about to be released on Tuesday that the DHS also "struggled to identify, track and reunify families separated under the zero-tolerance policy due to limitations with its information technology systems." DHS also provides "inconsistent" information to parents who arrived in the U.S. during Trump's controversial immigration crackdown – either as illegal immigrants or asylum seekers – "which resulted in some parents not understanding that they would be separated from their children" and not be able to communicate with them, the report said. On April 8, President Donald Trump ordered DHS and several other agencies, including the U.S. Immigration and Customs Enforcement to start detaining suspected illegal immigrants rather than release them while their cases are pending. DHS officials said in a response to the report that it "provides no mention of the Department's significant accomplishments to reunify families."

Hispanic Dems want answers on detention of immigrant minors

[The Hill](#) [10/1/2018 5:57 PM, Rafael Bernal] reports the leaders of the Congressional Hispanic Caucus (CHC) called Monday for the top federal official in charge of refugee resettlement to explain the administration's policies on detention of immigrant minors. In a letter to Office of Refugee Resettlement (ORR) Director Scott Lloyd obtained by The Hill, the CHC asked for a meeting with its members "to discuss what ORR is doing to ensure the safety of children in your custody." The CHC has met previously to discuss immigration issues with President Trump's three Homeland Security secretaries, and in September appealed to Health and Human Services Secretary Alex Azar, Lloyd's boss, for information on the housing of undocumented minors. In the letter led by CHC Chairwoman Rep. Michelle Lujan Grisham (D-N.M.), the Democrats reference Trump's zero-tolerance policy, which led to over 2,500 children being separated from their parents by federal authorities at the border.

Bill would block ICE from arresting immigrant child sponsors

[CNN](#) [10/1/2018 4:10 PM, Tal Kopan, 28810K] reports a bipartisan group of lawmakers are seeking to prevent the Trump administration from arresting undocumented immigrants who come forward to take care of undocumented immigrant children who are in the country alone, after CNN reported such arrests were happening. A bill set to be introduced Tuesday comes as both the number of immigrant children in government custody and the length of time those children are being detained are skyrocketing. The Trump administration's own policies are at least partly responsible for the increase in both numbers and hundreds of children are being sent to a temporary tent facility in Texas set up to accommodate them. The bill would bar the government from using a sponsor's undocumented status as a reason to deny releasing a child to them, and it would prevent the Department of Homeland Security from using information provided by a potential child sponsor to arrest or deport an undocumented immigrant Rep. Debbie Wasserman Schultz, a Florida Democrat, said CNN's reporting had prompted her to draft the legislation, which will be introduced with at least a dozen other Democrats and GOP Rep. Carlos Curbelo of Florida. CNN confirmed last month that dozens of immigrants who came forward to sponsor children out of custody had been arrested by Immigration and Customs Enforcement from July to September, 70% of whom were arrested only on immigration violations.

[Newsmax](#) [10/1/2018 5:58 PM, Jason Devaney, FL] reports that the bill reads, in part: "The Secretary of Homeland Security may not use information provided by an unaccompanied alien child or information initially obtained by the Secretary of Health and Human Services to make a suitability determination ... or a secure facility determination ... for the purpose of apprehending, detaining, or removing from the United States ... the unaccompanied alien child [or] the proposed custodian or current custodian." The legislation is aimed at releasing minors who are being held in child detention facilities and whose parents are not in the U.S. The lawmakers behind the bill don't want the government taking into consideration the legal status of either the child or the person who comes forward to take him or her.

Why did the Trump administration separate asylum seekers from their kids?

[The Texas Tribune](#) [10/2/2018 1:01 AM, Neena Satija, 131K, TX] reports throughout the spring of 2018, as the number of family separations at the U.S.-Mexico border exploded, President Donald Trump's administration insisted that the government took thousands of kids from their parents because the families had committed a federal crime. "If you cross this border unlawfully, then we will prosecute you. It's that simple," Attorney General Jeff Sessions said in May, explaining the "zero tolerance" policy that had gone into effect a few weeks earlier. Prosecutions meant sending people to jail – and since children couldn't go to jail with their parents, they would have to be taken into federal custody. A Guatemalan mother named Sandy tells a different story on this week's episode of Reveal, in partnership with The Texas Tribune. After years of threats and harassment from gangs and local police in her hometown of Matzatenango, Sandy fled with her four kids and attempted to enter the U.S. legally in May. She requested asylum for her and her children at an international bridge connecting Brownsville and Matamoros, Mexico. The bridge is an official port of entry into the U.S., and Sessions himself has encouraged migrant families to cross the border this way – rather than crossing the border illegally – in order to avoid being separated. Sandy was separated from her children – all young boys, one just a few months old – anyway. Why did this happen to Sandy if she hadn't committed a crime? Spokesmen for ICE and Customs and Border Protection declined to comment, citing pending litigation. The court documents in a case called Ms. L vs. Immigration and Customs Enforcement show that this happened to dozens of others. The lawsuit, filed by the American Civil Liberties Union in February, mentions at least 40 other examples of families who were separated at the border, even though they weren't prosecuted for crossing illegally. [Editorial note: consult source link for audio]

Tri-State Joins Coalition Opposing Trump Administration's Denial of Political Asylum for Gang, Domestic Violence Victims

[NBC New York](#) [10/1/2018 1:23 PM, Jennifer Vazquez, 266K, NY] reports the tri-state has joined a coalition in an effort to stop the Trump administration from blocking immigrants who seek asylum in the United States from domestic or gang violence in their home countries. New Jersey Attorney General Gurbir S. Grewal announced Monday the state has joined California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Maryland, Maine, Massachusetts, Minnesota, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia and Washington in an amicus curiae brief filed Friday. In the "friend of the court" brief, Grewal and other attorney generals argue that the Trump Administration has ignored decades of federal policy and court-decided law that protected asylum-seekers persecuted in their home countries because of their gender, ethnicity or other key personal characteristics. Based on United States law, immigrants may seek asylum in this country "because of a well-founded fear of persecution on account of race, religion, nationality, membership in a

particular social group, or political opinion." However, this past June, U.S. Attorney General Jeff Sessions issued a decision to generally preclude asylum "claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors." Additionally, the new decision made it difficult for asylum applicants to prove to an asylum officer that they have "credible fear" of persecution, Grewal's office said.

Reported similarly: [North Jersey.com](http://NorthJersey.com) [10/1/2018 5:49 PM, Monsy Alvarado, 71K, NJ]

Trump Shuts 'UAC' Child-Smuggling Routes

[Breitbart](http://Breitbart.com) [10/1/2018 10:01 PM, Neil Munro, 2213K] reports illegal-immigrant parents are increasingly reluctant to pick up their smuggled "Unaccompanied Alien Children" from agency shelters, forcing officials to transfer many stranded youths to a new overflow shelter in Texas. The New York Times reported: "To deal with the surging shelter populations, which have hovered near 90 percent of capacity since May, a mass reshuffling is underway and shows no signs of slowing. Hundreds of children are being shipped from shelters to West Texas each week, totaling more than 1,600 so far. The camp in Tornillo operates like a small, pop-up city, about 35 miles southeast of El Paso on the Mexico border, complete with portable toilets. Air-conditioned tents that vary in size are used for housing, recreation and medical care. Originally opened in June for 30 days with a capacity of 400, it expanded in September to be able to house 3,800, and is now expected to remain open at least through the end of the year." The growing population of stranded UACs follows the implementation of a new security policy by officials working for President Donald Trump. The policy requires officials to check the identity of people in the United States who wish to "sponsor" the migrant children so they can live in the sponsors' homes. Since the checks began this year, officials have been able to arrest more than 30 would-be sponsors – or sponsors' housemates – who are illegal immigrants.

County by county, ICE faces a growing backlash

[Washington Post](http://WashingtonPost.com) [10/1/2018 8:16 PM, Justin Jouvenal, 11614K] reports activists in Alexandria, Va., are pressing the sheriff to drop an agreement to detain migrants for ICE. The sheriff in Contra Costa County, Calif., canceled a similar contract in July, soon after at least 1,000 protesters marched on the local jail. And at Philadelphia City Hall, organizers camped out for weeks beneath a banner that read "I.C.E. Get Out" before the city recently agreed to stop sharing real-time arrest information with immigration authorities. They can't stop deportations, but they hope to throw sand in the gears by targeting pressure points in the system: U.S. Immigration and Customs Enforcement relies on local agencies to jail detainees who may be in the country illegally, notify ICE of their release and even help conduct immigration enforcement. The protests have gained momentum alongside calls to abolish ICE, particularly as outrage spread over President Trump's "zero tolerance" policy that separated some migrant children from their parents at the border. ICE officials declined a request for an interview, but a spokesman pointed to a statement from former acting director Thomas Homan about a California sanctuary law that he said highlighted the perils of limiting cooperation with ICE. Homan wrote that the law would "undermine public safety" and hinder ICE from performing its mission. "ICE will have no choice but to conduct at-large arrests in local neighborhoods and at worksites, which will inevitably result in additional collateral arrests, instead of focusing on arrests at jails and prisons where transfers are safer for ICE officers and the community," Homan wrote.

For Private Prisons, Detaining Immigrants Is Big Business

[New York Times](#) [10/1/2018 10:30 PM, Clyde Haberman, 25617K] reports Thomas W. Beasley had something for sale, and figured he could market it the same as any other merchandise. "You just sell it like you were selling cars or real estate or hamburgers," he told an interviewer. That was three decades ago. Only Mr. Beasley wasn't hawking new wheels, beachfront property or beef patties. His stock in trade was prison bars. As a co-founder of Corrections Corporation of America in 1983, and with a get-tough-on-crime spirit ascendant in the country, he sold lockup space to federal and state governments that were jailing people faster than they could find room in their own institutions. Mr. Beasley's company, renamed CoreCivic two years ago, became a leader in what is now a roughly \$4-billion-a-year American industry: for-profit prisons, privately owned and operated. Some bad-to-the-bone criminals are among the people guarded by private prisons. But a key function these days is watching over undocumented immigrants. Their detention centers, located mainly in the South and the West, are where the government sends most people caught trying to enter the United States illegally. How ably these companies discharge their duty — or not — shapes this Retro Report video, the latest in a documentary series examining major news stories of the past and their continuing impact. The treatment of migrants has new urgency in the Trump era, given this administration's efforts at strict border control, which include detaining large numbers of children. Data obtained by The New York Times showed that in mid-September, 12,800 migrant children were held in federally contracted shelters, five times the number in custody a little over a year earlier.

Private companies house about 9 percent of the nation's total prison population. But they take care of a much higher share of immigrant detainees — 73 percent by some accounts. Alonzo Peña, a former deputy director of Immigration and Customs Enforcement, acknowledges that the companies have all too often fallen short. "It wasn't their priority to ensure that the highest standards were being met," Mr. Peña said. ICE, he said, deserves some blame. "We set up this partnership with the private industry in a way that was supposed to make things much more effective, much more economical," he said. "But unfortunately, it was in the execution and the monitoring and the auditing we fell behind, we fell short." [Editorial note: consult source link for video]

Guatemalan smugglers reportedly trying to lure migrants to U.S. with claims of guaranteed citizenship

[FOX News](#) [10/1/2018 10:38 AM, Greg Norman] reports that smugglers trying to cash in on the funneling of Guatemalans across the U.S. border reportedly are falsely claiming that being pregnant or bringing children along will help those who make the journey get citizenship in America. Dora Alonzo Quijivix, a Guatemalan community leader who met with Border Patrol Commissioner Kevin K. McAleenan last week in the Central American country to discuss the migration crisis, told the Washington Post that such claims were being made on local radio stations. "They say that if you bring a child they'll let you into the United States and give you citizenship," the newspaper quoted her as saying, noting that some of the trips can cost up to \$10,000. "Now they're saying pregnant women who go will also get citizenship." McAleenan, in response, said the promises were bogus, but America needs to do a better job of processing those who are captured crossing the border illegally. "There's no ability to stay in the U.S. if you bring a child with you. There's no ability to just stay if you are pregnant," he said, according to the Washington Post. "But our court system is very slow, so you might actually have a false promise of being able to stay in the U.S. for a year or two before you are repatriated."

Thousands of green card holders face potential deportation

[NY1](#) [10/1/2018 1:17 PM, Staff, NY] reports that the federal government is targeting potentially thousands of green card holders for deportation. These people are legal citizens who were granted asylum years ago. But defense attorneys say these immigrants are being targeted over fraud cases that had nothing to do with them. Immigration and Customs Enforcement said the government began reviewing the cases during the Obama administration and is continuing that review on a case by case basis. [Editorial note: consult source link for video]

[NY1](#) [10/1/2018 5:16 PM, Michael Herzenberg, 51K, NY] also reports that Rong Ying Chen was granted asylum in 2010 and years later she received a notice to appear in court, alleging she obtained her green card based on "a fraudulent and fabricated asylum claim." Her lawyer was among six people arrested in 2012 and prosecuted by the Department of Justice for Conspiracy to Commit Immigration Fraud.

[NY] Weprin calls on ICE to end detention of immigrants, asylum seekers

[TimesLedger](#) [10/1/2018 5:07 AM, Carlotta Mohamed, 7K, NY] reports that State Assemblyman David Weprin (D-Fresh Meadows) is calling on the U.S. Immigration and Customs Enforcement and the U.S. Department of Justice to end the indefinite detention of asylum seekers and other immigrants being held on administrative violations. Weprin was joined by the New York Immigration Coalition, Legal Action Center, Chhaya CDC, affected family members and others at the ICE Varick Street Detention Facility – located at 201 Varick St. – last Friday.

Weprin, who visited and met with immigrant detainees at the Albany County Jail Sept. 17, shared details of several instances where undocumented immigrants and asylum seekers have been held for extended periods while awaiting court proceedings or additional instructions. "Roughly 270 individuals, guilty of no felony, are being held at the Albany County Jail at the behest of ICE and the U.S. Department of Justice without being given concrete court dates or release dates," said Weprin. The federal government should expedite the cases, add more judges, provide hearings in Albany, or simply release the individuals, Weprin said.

[TX] The Government Is Moving Migrant Children to a Texas Tent City. Here's What's Behind It.

[New York Times](#) [10/1/2018 5:04 PM, Caitlin Dickerson, 25617K] reports that more than 1,600 migrant children have been sent with little notice on late-night voyages to their new home: a barren tent city in West Texas, where they do not receive schooling and have limited access to legal representation. The Trump administration opened the facility because shelters that house migrant children have been overflowing. Here's a look at what's happening:

Most of the children are Central American teenagers who journeyed to the United States alone, hoping to win asylum status or slip into the country illegally. Known as "unaccompanied minors," more than half are Guatemalans, who have been fleeing in increasing numbers from destitute villages in the country's western highlands. The children are being moved in the middle of the night and without notice to avoid escape attempts. Migrant children are housed in what are known as unsecure facilities, meaning that doors are unlocked and they can technically leave at any time, though they are closely monitored

and strongly discouraged from doing so. Several shelter workers explained that children who are on their way to the rapidly expanding tent city in Tornillo, Tex., are being woken up and moved in the middle of the night because they will be less likely to try to run away in the dark. The children are told of the move only a few hours prior so that they do not have time to formulate an escape plan, the workers said.

Reported similarly:

[Salon](#) [10/1/2018 8:03 PM, Rachel Leah, 811K]

[Huffington Post](#) [10/2/2018 12:27 AM, Angelina Chapin, 9842K]

[CA] Alameda County officials to hold forum on ICE cooperation

[Mercury News](#) [10/1/2018 4:51 PM, Tatiana Sanchez, 1055K, CA] reports the Alameda County Sheriff's Office shared information on some of its jail inmates with U.S. Immigration and Customs Enforcement nearly 1,000 times last year, Sheriff Greg Ahern said during a public forum Monday. Immigration officials accessed information about particular inmates at the Santa Rita and Glenn Dyer jails 966 times last year and detained 386 inmates upon their release, the sheriff said during a mandatory community forum hosted by the Alameda County Board of Supervisors. Under a law known as the Truth Act, signed by Gov. Jerry Brown in 2016, jurisdictions in which local law enforcement has given ICE access to an individual are required to hold at least one public forum the following year to provide details to the community. Monday's event will focus on information that the Alameda County Sheriff's Office provided to ICE about certain individuals in 2017. The sheriff's office has previously come under fire for its decision to publicly disclose the release dates of inmates from county jails, which immigrant rights advocates said would help ICE detain undocumented immigrants.

Legal News

Arrested Immigrant Teens Must Get Hearings, Says 9th Circ.

[Law 360](#) [10/1/2018 7:10 PM, Suzanne Monyak] reports the Ninth Circuit on Monday upheld a lower court's order forcing the federal government to hold hearings for a class of undocumented minors arrested for alleged gang ties, finding that the government had infringed the teens' due process rights by removing them from their sponsors and detaining them indefinitely without a hearing. The panel concluded that the California federal court did not act outside of its discretion when it handed down a preliminary injunction order mandating that the class of minors, who crossed the border unaccompanied and were initially cleared to be released to sponsors, be given hearings before a "neutral decision maker" to defend themselves against allegations that they were involved in gangs. The appeals court found that the preliminary injunction order was not inconsistent with a provision in the Trafficking Victims Protection Reauthorization Act of 2008 that requires the Office of Refugee Resettlement to place minors who cross the border without a parent or guardian in the least restrictive setting possible. The panel also said that the Flores agreement, a 1997 settlement that set standards for immigrant children held in government detention, including requiring bond hearings, did not adequately protect the minors from indefinite detention, noting that the government had not provided a clear timeline for those bond hearings.

The American Civil Liberties Union initially filed a complaint and writ of habeas corpus on behalf of a detained minor, referred to as A.H. in court documents, in a California federal

court in June 2017. The advocacy organization, along with Cooley LLP, filed an amended proposed class action in August 2017, adding additional proposed class members. The ACLU's lawsuit accused the government of violating the due process rights of minors arrested by U.S. Immigration and Customs Enforcement, after they had already been cleared by the ORR to live with approved sponsors, in a raid known as Operation Matador. The operation targeted suspected gang members, sweeping up 45 individuals, including 12 unaccompanied children, in New York, according to a June 2017 ICE release. A.H., born in Honduras in 2000, was arrested by ICE in June 2017 and moved to a California detention facility. The immigrants, who resided in Suffolk County, New York, argued in the lawsuit that the government had denied them the right to the "least restrictive" form of custody, to access to their attorneys, to be informed of custody determinations and to review those determinations before an immigration judge.

[MO] Lawsuit against federal government dismissed after undocumented immigrant allegedly kills five

[KMIZ](#) [10/1/2018 11:44 PM, Alyssa Toomey, MO] reports a judge has dismissed a case filed against the federal government after an illegal immigrant allegedly killed five people, four in Kansas and one in Missouri. The suit, which was filed in Kansas City, claims U.S. Immigration and Customs Enforcement made a "life-altering mistake" when ICE agents sent a detainer to Johnson County instead of Overland Park. The suit said that error led to the release of Pablo Serrano, who is charged with killing four people in Kansas and one in Montgomery County. The judge said the lawsuit is void because of "sovereign immunity" which prevents the federal government from being sued except in extreme cases. The attorney for the wife of Randy Nordman, who was killed in Missouri, told ABC 17 News she was "disappointed" with the verdict, but "knew they were fighting an uphill battle."

[CA] SF appeals court hands victory to undocumented teens jailed in gang sweeps

[San Francisco Chronicle](#) [10/1/2018 3:52 PM, Bob Egelko, 520K] reports the Trump administration must allow hearings for undocumented teenagers who were living with relatives or friends in the United States, with government approval, when they were arrested in gang sweeps last year and sent to lockups in distant states, a federal appeals court in San Francisco ruled Monday. The Ninth U.S. Circuit Court of Appeals upheld a November 2017 injunction by U.S. District Judge Vince Chhabria of San Francisco ordering immigration courts to hold immediate hearings for the teens and release them to a family member or another sponsor unless the government could show they were dangerous or likely to flee if released. The case involves youths who entered the U.S. without legal documentation, and without their parents, but were released to live with a sponsor after immigration officials concluded they were not dangerous. They were picked up last year in raids aimed at unauthorized immigrants suspected of gang membership, and then transferred to secure detention centers.

[CA] Garcia Zarate Federal Trial Postponed Until Supreme Court Rules On Double Jeopardy Case

[CBS San Francisco](#) [10/1/2018 4:01 PM, Staff, 123K, CA] reports the federal gun possession trial of the undocumented immigrant who possessed the gun that killed Kate Steinle in San Francisco in 2015 has been postponed for at least several months while a U.S. Supreme Court ruling in a different case is awaited. Jose Ines Garcia Zarate was originally scheduled to go on trial Monday in the court of U.S. District Judge Vince Chhabria in San Francisco on two federal charges of being an ex-felon and an undocumented person

in possession of a gun. But on Aug. 24, Chhabria postponed the trial until the Supreme Court issues a ruling in an Alabama case known as Gamble v. United States. Chhabria wrote, "There is a serious possibility that the Supreme Court's ruling in that case will require dismissal of the charges against Garcia Zarate." The issue in both cases is whether prosecution on similar state and federal charges violates the constitutional ban on double jeopardy, or being tried twice for the same crime. Garcia-Zarate was convicted in San Francisco Superior Court last year on a state charge of being an ex-felon in possession of a gun.

Enforcement News

Day 1: Deportation of illegal immigrant welfare cheats begins

[Washington Examiner](#) [10/1/2018 11:59 AM, Paul Bedard, 535K, DC] reports the Trump administration on Monday began a new effort to target for deportation immigrants caught cheating on welfare, lying about their identification, and accused of serious crimes. The new policy is driven by public safety, L. Francis Cissna, director of U.S. Citizenship and Immigration Services, told a Georgetown University Law School immigration conference Monday morning. "What is new is that we are expanding the categories of people who are going to be receiving [notices to appear at deportation hearings] to, most principally, people who applied for a benefit and have no underlying lawful status," he said. "Starting today, Oct. 1, USCIS will begin implementing the updated NTA policy. Under the new guidance, USCIS officers will now issue an NTA for a wider range of cases where the individual is removable and there is evidence of fraud, criminal activity, or an applicant is denied an immigration benefit and is unlawfully present in the country," said Cissna. The new policy is based on an executive order signed by President Trump to emphasize national security in immigration policy.

[The Hill](#) [10/1/2018 1:37 PM, Nathaniel Weixel, 3846K] reports, "The population of aliens in this country who are eligible to receive public benefits is tiny," Cissna said. Cissna said the proposal, which was first announced in late September, will be officially published in the Federal Register and open for comment very soon, "within days."

[NY] Raped by uncle in Jamaica, woman has been in ICE custody for 18 months, report says

[Warren Reporter](#) [10/1/2018 11:23 AM, Patrick Villanova, 965K, NJ] reports that a Jamaican woman who illegally reentered the country to flee an uncle who raped her has been in ICE custody at Hudson County jail for a year and a half, according to The New York Daily News. The woman, a New York City resident, said she was raped and tortured by her uncle in Jamaica for months in 2008. She reentered the United States around 2011 after being deported twice because she heard her uncle was looking for her in Jamaica, The Daily News reported. A mother of two, the woman was arrested at her home in May 2017 as part of a roundup of illegal immigrants. She currently awaits court proceedings in New York, where there is a backlog of thousands of immigration cases, according to the paper. The ICE facility at the Hudson County jail has been the target of liberal activists and immigrant advocates, who have called on the county to end its agreement with the federal agency. The ICE contract is expected to bring the county \$19 million this year. The county recently announced its plan to end that partnership by no later than 2020.

[FL] Her husband went to an interview about their marriage. He was detained by ICE
[Miami Herald](#) [10/1/2018 7:25 AM, Brenda Medina, 1126K, FL] reports that Maria Eugenia Hernandez and her Nicaraguan-born husband, Oscar Hernandez, went to the U.S. Citizenship and Immigration Services offices in Miami for an interview about their marriage that they had been waiting for three years. The agency uses such interviews to confirm that the marriages are legitimate and that partners like Oscar have the right to try to legalize their immigration status. The Hernandez's brought a small album with photos of their wedding and family photos, their marriage certificate and a statement from their joint bank account. They have been together for four years, married for three, and Oscar is the principal wage earner in the family. So Maria, who is a U.S. citizen, expected that everything would be OK. But during the interview, she was asked to step out of the office. Twenty minutes later, she was told that her husband, who had a deportation order pending from long ago, had been arrested by Immigration and Customs Enforcement. Oscar, 42, who crossed the Mexico border in 2004 undocumented, has been held since then in an immigration detention center in Broward County.

Arrests of immigrants during the marriage interviews in USCIS offices is becoming more common in South Florida, according to attorneys in an agency that offers legal assistance to immigrants. An ICE spokesman in Miami, asked about the Hernandez case, told el Nuevo Herald that any undocumented immigrant facing a deportation order can be detained by the agency at any time. "ICE will no longer exempt classes or categories of removable aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States," wrote spokesman Nestor Yglesias.

Reported similarly:

[ThinkProgress](#) [10/1/2018 10:06 AM, Rebekah Entralgo, 799K]
[Miami Herald](#) [10/1/2018 3:43 PM, Jose A. Iglesias, 1126K, FL]

[MI] ICE grants one year stay of deportation for deaf disabled man

[Michigan Public Radio](#) [10/1/2018 11:27 AM, Tracy Samilton, 29K, MI] reports U.S. Immigration and Customs Enforcement has granted 43-year old Francis Anwana a one-year reprieve of deportation to Nigeria. Anwana came to Michigan when he was 13 to attend a school for the deaf, and he has lived here ever since. U.S. Congressman Dan Kildee says it's an extremely positive development. Kildee has introduced a bill in Congress to grant permanent legal residency to Anwana. He says he'll try to get the bill advanced during the year's stay of deportation, but says it's very hard to get colleagues on the other side of the aisle interested in helping with such matters heard in the current political climate.

[TX] The U.S. imprisoned Japanese Peruvians in Texas, then said they entered 'illegally'

[Public Radio International](#) [10/1/2018 12:00 PM, Natasha Varner, 157K] reports Elsa Kudo was a junior in college when she learned that she was an "illegal" resident of the country she called home. Decades later, she still vividly recalled seeing her FBI file for the first time. "What is this? Why is my file stamped 'illegal entry'? We didn't come illegally. You folks knew we were coming in. You brought us here," she recalled saying in an interview with the history organization, Densho. "I was so upset." In the 1940s, the U.S. government launched a program to relocate Kudo and some 2,200 other Latin Americans of Japanese descent from their home countries to detention facilities in the U.S. They were taken under the

pretense of a World War II prisoner exchange, but only 865 detainees were ultimately sent to Japan via the program. Grace Shimizu, co-founder of the Campaign for Justice: Redress Now for Japanese Latin Americans and the Japanese Peruvian Oral History Project, thinks there's a reason Kudo and others still haven't received adequate compensation and recognition for what happened to them. "The U.S. government has an interest in not redressing this kind of situation, which are basically war crimes. They want to be able to continue to kidnap people, thrust them into indefinite detention, subject them to whatever treatment," she says, "and not be held accountable."

[CA] ICE arrests 84 across San Diego County

[Los Angeles Times](#) [10/1/2018 3:15 PM, Kate Morrissey, 320K, CA] reports Immigration and Customs Enforcement officers arrested 84 people across San Diego County in a large-scale enforcement operation over the past two weeks. ICE reported similar enforcement efforts across the country. ICE officers arrested 150 people around Los Angeles, 98 people in North Texas and Oklahoma, 105 in Michigan and Ohio and 83 in Wisconsin. The timing of these operations was coincidence and not a coordinated effort, according to Gregory Archambeault, director of San Diego's ICE field office. "Our operations teams are out there on a daily basis targeting these folks," Archambeault said. "If we get a backlog of cases, we'll try to crack down a little bit and put more resources toward it so we can arrest these folks." It took a few weeks to plan this most recent operation, he said. He attributed some of ICE's case backlog to people who were released from jail instead of being turned over to the agency because of a California law that limits cooperation between local law enforcement and immigration officials.

Reported similarly: [10 News](#) [10/1/2018 11:59 AM, Allison Horn, 71K, CA]

[CA] Six-Times-Deported Illegal Alien Faces Death for Allegedly Murdering 3 Men

[Breitbart](#) [10/2/2018 12:31 AM, John Binder, 2213K] reports a six-times-deported illegal alien accused of beating to death three men with baseball bats could be facing the death penalty. Ramon Escobar, a 47-year-old illegal alien from El Salvador, was arrested last week in Santa Monica, California, after he allegedly attacked seven people, leaving three of them to ultimately die due to the alleged attacks, Breitbart News reported. The illegal alien has been charged with first-degree murder and is now facing the death penalty if he is convicted for the killings. Escobar allegedly attacked three men in downtown Los Angeles on September 16. Escobar is also accused of attacking a homeless man on a Santa Monica beach on September 8, attacking another man on a Santa Monica beach on Sept 10, and of the deadly beating of 39-year-old Steven Cruze Jr. on the Santa Monica Pier. Escobar fled to the sanctuary state of California – which protects criminal illegal aliens from deportation and arrest – after being questioned last month in Houston, Texas, in regards to the disappearance of a couple of his relatives. The illegal alien has been deported six times out of the United States between 1997 and 2011, according to Department of Homeland Security officials. In 2017, Escobar was released from federal custody after being granted his appeal that he filed in immigration court a year before.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS
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Policy and Legislative News

Watchdog: U.S. unprepared for 'zero tolerance' immigration

[Washington Post](#) [10/2/2018 4:26 PM, Colleen Long] reports that immigration officials were not prepared this summer to manage the consequences of a "zero tolerance" policy at the Southwest border, which resulted in the separation of nearly 3,000 children from their parents, Homeland Security's watchdog said in a report made public on Tuesday. The resulting confusion along the border led to misinformation among separated parents who did not know why they had been taken from their children or how to reach them, longer detention for children at border facilities meant for short-term stays, and difficulty in identifying and reuniting families. And backlogs at ports of entry may have pushed some into illegally crossing the U.S-Mexico border, the report found.

Investigators with Homeland Security's Office of the Inspector General compiled the report after speaking with about 50 immigration employees, plus 17 detainees and parents who had been separated from their children and later released. They also reviewed documents and data. Homeland Security is the umbrella department for U.S. Customs and Border Protection and Immigration and Customs Enforcement. Homeland Security officials say the report illustrates how difficult it is to enforce broken and poorly written immigration laws. The inspector general, they said, wrongly mixed up what happens to migrants caught crossing illegally between borders with migrants who come to legal ports of entry seeking asylum. "This administration will no longer turn a blind eye to illegal immigration and will continue to refer illegal border crossers for prosecution. We are committed to enforcing the rule of law and ensuring that there are consequences for illegal actions," Homeland Security spokeswoman Katie Waldman said.

The [New York Times](#) [10/2/2018 4:26 PM, Ron Nixon] reports that the agency's problems in identifying, tracking and reuniting families stemmed from limits in its computer systems, the report said. The report also concluded that a database said to be developed jointly by the homeland security and health departments to track the separated families did not exist. The agencies would later admit that there was no "direct electronic interface" between their computer systems. The Department of Homeland Security also detained migrant children

far longer than the 72 hours allowed by law in facilities that were designed only for short-term detention. The report is the first after-action report issued by the watchdog office about the administration's so-called zero-tolerance policy, announced in April by Attorney General Jeff Sessions.

On Tuesday, Richard J. Durbin, Democrat of Illinois, called on Kirstjen Nielsen, the homeland security secretary, to resign over what he said were misleading statements she made to Congress over the zero-tolerance policy. Documents obtained under the Freedom of Information Act by two groups seeking greater government transparency — the Project on Government Oversight and Open the Government — suggest that Ms. Nielsen signed off on actions that led to children being separated from their families. But during a May 15 Senate hearing, Ms. Nielsen told Senator Kamala Harris, Democrat of California, "We do not have a policy to separate children from their parents." Mr. Durbin disputed that on Tuesday. Ms. Waldman, the homeland security spokeswoman, said the document cited by Mr. Durbin was taken out of context. "The oft-cited quote pulled from the April 23 memo simply states the premise that D.H.S. has the legal authority to take an action — however, it did not direct a policy of family separation for the purposes of deterrence," she said. "Conflating authority versus actual policy based on a redacted memo provides a disservice to the public and does not show the full picture of considerations presented to the secretary."

Reported similarly:

[Reuters](#) [10/2/2018 1:14 PM, Yeganeh Torbati, 5544K]

[Los Angeles Times](#) [10/2/2018 5:40 PM, Evan Halper, 3575K]

[Wall Street Journal](#) [10/2/2018 2:58 PM, Andrew Duehren]

[CNN](#) [10/2/2018 12:18 PM, Veronica Stracqualursi, 28810K]

[The Hill](#) [10/2/2018 8:34 AM, Emily Birnbaum, 3846K]

[NBC News](#) [10/2/2018 8:17 AM, Pete Williams and Jacob Soboroff, 3740K]

[Newsweek](#) [10/2/2018 12:03 PM, Chantal Da Silva, 2126K, NY]

[The Daily Caller](#) [10/2/2018 12:09 PM, Chuck Ross, 984K, DC]

[Washington Times](#) [10/2/2018 7:25 AM, Stephen Dinan, 602K, DC]

[News Leader](#) [10/2/2018 3:53 PM, Alan Gomez, 8K, VA]

[Dallas Morning News](#) [10/2/2018 7:48 PM, Rachel Cohrs, 496K, TX]

[The Guardian](#) [10/2/2018 3:40 PM, Amanda Holpuch, UK]

'No evidence' DHS had database of separated children: Watchdog

[ABC News](#) [10/2/2018 3:20 PM, Anne Flaherty, 3178K] reports that a government watchdog is questioning the existence of a "central database" that the Homeland Security Department told the public was keeping track of children separated from their parents at the border. A report released Tuesday by the Homeland Security Department's inspector general "found no evidence that such a database exists," despite a DHS announcement last June that the agency was relying on one with the help of the Health and Human Services Department. Katie Waldman, an agency spokesperson, said the findings of the report "illustrate the difficulties in enforcing immigration laws that are broken and poorly written." Democratic Sen. Dick Durbin of Illinois said Homeland Secretary Kirstjen Nielsen should resign, while another senior Democrat – Rep. Elijah Cummings of Maryland – said Congress should subpoena documents to get to the bottom of what happened. The policy, announced by Attorney General Jeff Sessions in the spring, called for the mandatory detention of any adult crossing the border illegally. It was a departure from past administrations, which had in most cases released families into the United States pending future court dates. Sessions and

others within the Trump administration derided this approach as "catch and release," and blamed it for a rise in illegal immigration in the U.S.

Plan to House Migrant Children on Military Bases Shelved Indefinitely

[Military.com](#) [10/2/2018 8:00 AM, Richard Sisk, 480K] reports that the Trump administration appears to have shelved indefinitely a plan that would have housed unaccompanied migrant children on military bases in the southwest. The military stood ready to comply with requests to take in "unaccompanied alien children," but the Defense Department had yet to receive any notifications from the Departments of Health and Human Services and Homeland Security to prepare for arrivals, said Army Lt. Col. Jamie Davis, a Pentagon spokesman.

An internal report lays bare the Trump administration's dishonesty about family separations

[Washington Post](#) [10/2/2018 3:26 PM, Aaron Blake, 11614K] reports a new inspector general's report about the Trump administration's separation of families at the U.S.-Mexico border begins with damning assessment, and it only gets worse from there. The OIG report is at once confirmation that the Trump administration proactively elected to implement this policy – contradicting its public pronouncements – and shows that the policy itself was highly premature and poorly carried out. It's a triple-whammy of an indictment of the administration's actions, courtesy of an internal review by the administration itself. It describes an administration that wasn't honest about its policy throughout. Homeland Security Secretary Kirstjen Nielsen: "We do not have a policy of separating families at the border. Period." Later in the report, the inspector general flatly contradicts yet another claim that the department made in defending the policy. In June, a Homeland Security fact sheet said there was "a central database" of the locations of separated parents and children. OIG found no evidence that such a database exists. The OIG team asked several ICE employees, including those involved with DHS' reunification efforts at ICE Headquarters, if they knew of such a database, and they did not. Two officials suggested that the "central database" referenced in DHS' announcement is actually a manually-compiled spreadsheet maintained by HHS, CBP, and ICE personnel.

Fraud soars as more men sneak children into U.S. to exploit 'family loophole'

[Washington Times](#) [10/2/2018 4:35 PM, Stephen Dinan, 602K, DC] reports men now make up about 40 percent of illegal immigrant parents trying to sneak children into the U.S., as they leap to take advantage of the "family loophole" that means illegal immigrants who come with children get treated more leniently. Fraud also has soared, with the Border Patrol identifying 150 cases from May to August of adults, men or women, pretending to be families to take advantage of the loophole. Those 150 cases work out to an annual rate of 450 a year — or nearly 10 times the 46 cases recorded in all of 2017. The numbers, which The Washington Times obtained from the Department of Homeland Security, signal the growing shift in immigration patterns as would-be migrants and the smugglers who shepherd them on their journey north exploit the soft underbelly of U.S. policy to gain a foothold here.

Trump scare tactic: Keep immigrants from green cards if they receive welfare

[The Hill](#) [10/2/2018 2:30 PM, Ali Noorani] reports that the Trump administration announced a new, far-reaching regulation that appears clear-cut on paper: prevent immigrants from obtaining visas or green cards if they are likely to receive Medicaid, food stamps, housing

benefits, or other government subsidies is only half the story. It's much bigger than government subsidies. The rule puts the country on a path towards a profoundly new immigration system — while Congress sits on the sideline. The change could reduce family-based immigration from "lower-income, less educated people in countries like China, Mexico, and Cuba," according to Vox.

Stymied By Waits To Seek Asylum Legally, Some Migrants Crossed Illegally, A New Government Report Finds

[Buzz Feed](#) [10/2/2018 3:20 PM, Adolfo Flores, 11771K] reports that the report, issued by the Department of Homeland Security's inspector general, explored why the Trump administration's "zero tolerance" policy created such chaos along the border last spring. During the height of the family separation crisis, when the Trump administration's zero tolerance policy required the prosecution of every person caught entering the US illegally, both Secretary of Homeland Security Kirstjen Nielsen and Attorney General Jeff Sessions urged asylum-seekers to go through a port of entry to avoid being separated from their children. The inspector general's office found that immigration facilities along the border were inadequate for the crush of asylum-seekers, spurring some to cross illegally. In a statement, Katie Waldman, a DHS spokesperson, did not respond to the inspector general's conclusion that the inadequate facilities for processing asylum applicants contributed to illegal immigration between ports of entry. She promised that DHS would continue to prosecute migrants caught entering the United States between ports of entry.

Deportations of Southeast Asian Americans stress families and finances, advocates say

[NBC News](#) [10/2/2018 8:32 AM, Agnes Constante, 3740K] reports that Jenny Srey and her husband, Ched Nin, were planning to grow their family in 2016. But Nin, who immigrated to the U.S. in 1986 as a refugee from Cambodia, was not a U.S. citizen. A 2010 felony second-degree assault conviction for an incident involving a BB gun had made him eligible for deportation, and in 2016, he was detained by Immigration and Customs Enforcement. Srey is one of about a dozen women whose stories are included in a new report from two advocacy organizations detailing the impacts of immigration detention and deportation on Southeast Asian American communities. The report, compiled by the Southeast Asia Resource Action Center and National Asian Pacific American Women's Forum, found that Southeast Asian-American women suffer in multiple ways as a result of the detention and deportation of a loved one. Many women featured in the report were left to support their families on a single income and experienced a decline in their mental health. Findings were released Sept. 26 during a Senate briefing and presented at a House briefing on Sept. 27. According to SEARAC, there are at least 16,000 Southeast Asian Americans with final orders of removal.

[MD] American Girl: A Story of Immigration, Fear and Fortitude

[Washington Post](#) [10/2/2018 11:14 AM, Jennifer Miller, 11614K] reports it was Jan. 8, 2018, and 14-year-old Emily stood in the bathroom at DuVal High School in Prince George's County, Md., waiting for a friend. Emily glanced down to see a news alert on her phone: The Trump administration was canceling temporary protected status for El Salvador, a government program that had allowed Emily's parents, both Salvadoran natives, to live and work legally in the United States for the past 17 years. According to the news, on Sept. 9, 2019, her mother, Maria Rivas, and her father, Jose, would be ordered to leave the country. This is not a scene anyone could have imagined in 1990 when Congress created temporary

protected status, or TPS, a category of humanitarian relief for foreigners residing in the United States who could not return to their native countries because of environmental disasters, armed conflict or "other extraordinary temporary conditions." Most people from TPS-designated countries who had a generally clean record were eligible, even if, like Emily's parents, they'd originally come here as undocumented immigrants. As of October 2017, there were roughly 300,000 TPS beneficiaries from 10 countries living in the United States.

Recently Maryland's governor signed an emergency bill that allows immigrant parents to appoint a standby guardian in the event of an "adverse immigration action." (Before that, standby guardians in Maryland could be designated only in the event of parental incapacitation or death.) But immigration advocates say there's been only a modest uptick in TPS families taking such steps. Between the magnitude of the decision, the logistical hurdles that face families who choose to return to El Salvador, and the uncertainty surrounding the many lawsuits slowly wending their way through the courts, it's possible that most Salvadoran TPS holders will simply fail to act — and overnight, will become undocumented. Such an outcome would put them and their 192,700 American children — including Emily — into the shadows.

[TX] The Ongoing, Avoidable Horror of the Trump Administration's Texas Tent Camp for Migrant Kids

[The New Yorker](#) [10/2/2018 12:40 PM, Eric Lach, 2547K] reports that the detention camp for migrant kids in Tornillo, Texas, was supposed to be gone by now. Set up as a temporary "emergency influx shelter" in June, when the government was running out of places to put the kids it was tearing from parents at the border, the camp, located in the desert 40 miles southeast of El Paso, was originally scheduled to close on July 13th. But the government kept pushing back the deadline, in thirty-day increments, until recently disclosing that the facility will remain open at least through the end of the year. In June, as the Times reported, "federal authorities announced that potential sponsors and other adult members of their households would have to submit fingerprints, and that the data would be shared with immigration authorities." Immigration and Customs Enforcement has acknowledged arresting dozens of people who came forward to be sponsors. With the way the numbers are trending, it's hard to see how the need for the tent camp at Tornillo will end.

Reported similarly: [ABA Journal](#) [10/2/2018 6:00 AM, Lorelei Laird, 55K]

[TX] Sending migrant kids to Trump's tent city is atrocious. So is the Congressional cowardice that got us here

[Los Angeles Times](#) [10/2/2018 12:10 PM, Staff, 3575K] reports that stoking fears of changing demographics and hinting at the decline of white America, the Trump administration has adopted a severe, xenophobic immigration policy. After trying to bar Muslims from the country, after insulting Mexicans, after cutting back the number of refugees admitted, after separating children from their parents, the latest outrage is that the government has moved nearly 2,000 of the estimated 13,000 "unaccompanied minors" it has in custody to a barren tent city in the remote border town of Tornillo, about 30 miles southeast of El Paso. According to the New York Times, the children were awakened, put onto buses with snacks and backpacks and shipped off to the internment camp in the dead of night, supposedly because they would be less likely to try to escape in the dark. At their new "emergency shelter," they will be without access to schooling or to lawyers.

[AZ] Alyssa Milano Vows to 'Uncover the Disturbing Pattern of Abuse of Immigrant Children' in Arizona

[Newsweek](#) [10/2/2018 11:18 AM, Janice Williams, 2126K] reports Alyssa Milano is taking the injustice of immigrant child abuse head on. The actor-turned-political commentator tweeted her latest efforts to bring an end to the sexual assault of young children separated from their parents at asylum facilities in Arizona on Tuesday. The 45-year-old is taking her crusade against sexual assault and the poor treatment of immigrants to an even higher level after filing a request for the Arizona Department of Health to investigate claims of immigrant child abuse. Two workers at a migration detention center in Phoenix operated by Southwest Key Programs were charged with sexually assaulting immigrant teens in August, according to a report by the New York Times. The accusations against the workers, Fernando Magaz Negrete and Levian D. Pacheco, are just a few of the many that have surfaced from Southwest Key facilities.

[CA] Nooses found at ICE detention facility

[Washington Times](#) [10/2/2018 8:24 AM, Stephen Dinan, 602K, DC] reports that migrants being detained at an ICE facility in California regularly hang bed sheet "nooses" in their cells, violating detention rules and risking their own safety, the Homeland Security inspector general said in a report released Tuesday. Despite one successful bed-sheet suicide and several other unsuccessful attempts at the Adelanto Center last year, the facility has not been able to stop detainees from hanging their sheets in their cells, the inspector general said. During a visit in May investigators found 15 of the 20 male detainee cells they inspected had bed-sheet nooses hanging from vents. "ICE must prioritize addressing the issue of sheets hanging in detainee cells, as they represent the potential to assist suicide acts," the inspector general said. Neither Immigration and Customs Enforcement officials nor guards at the facility thought the nooses were a problem, and according to one inmate even mocked those who'd failed in their attempt to use them for suicide.

The [San Diego Union-Tribune](#) [10/2/2018 1:15 PM, Brittny Mejia and Paloma Esquivel, CA] reports that the report comes one year after immigrant advocates raised alarms about conditions at the facility after three detainees died there in a three-month period in 2017. The Department of Homeland Security's Office of the Inspector General, which is tasked with providing independent oversight of DHS, issued the alert late last month, saying the problems officials found during their visit in May "pose significant health and safety risks at the facility" and are in need of immediate attention. Immigration and Customs Enforcement officials did not immediately respond to requests for comment. But the report notes that ICE agreed with a recommendation to conduct a full review of the facility and its management by the GEO Group, which owns and operates the facility. During their May visit, inspectors found braided bed sheets, referred to as "nooses" by staff and detainees, hanging from vents in about 15 of 20 male detainee cells.

[Government Executive](#) [10/2/2018 1:05 PM, Eric Katz, 55K] reports, "The safety, rights, and health of detainees in ICE's care are paramount," Nathalie Asher, executive associate director for ICE's Enforcement and Removal Operations, wrote in a response letter to the IG. "ICE is concerned by the OIG's findings." She added, however, that some of the findings lack context, such as the need to sometimes place detainees in disciplinary segregation while their cases are under review.

[CA] Scathing Report Describes Serious Safety Issues at Private Immigration Detention Center

[Voice of San Diego](#) [10/2/2018 4:40 PM, Maya Srikrishnan, CA] reports a scathing report by the Department of Homeland Security Office of the Inspector General found the Adelanto Immigration and Customs Enforcement Processing Center, roughly 85 miles northeast of Los Angeles and run by the private GEO Group, found significant health and safety concerns in the facility, including nooses in detainee cells, improper and overly restrictive segregation and inadequate detainee medical care. The report resulted from an unannounced inspection of the facility in May. It's the latest in years' worth of problems plaguing the facility, which holds many asylum-seekers who turn themselves in at California's border and immigrants arrested by ICE throughout Southern California, including a couple who ended up in detention and deportation proceedings after being pulled over by San Diego Sheriff's deputies near Mission Bay last summer. "While at the center, we identified serious issues relating to safety, detainee rights, and medical care that require ICE's immediate attention," the report reads. "These issues not only constitute violations of ICE detention standards but also represent significant threats to the safety, rights, and health of detainees."

Legal News

Feds violated Flores Settlement by detaining hundreds of migrant children longer than 72 hours

[Washington Examiner](#) [10/2/2018 2:08 PM, Anna Giaritelli, 535K, DC] reports that nearly one third of the unaccompanied minors separated from adults at the border under President Trump's zero-tolerance policy were detained by U.S. Customs and Border Protection longer than the 72 hour legal limit before they were turned over to Health and Human Services, according to a new report released Tuesday. The Department of Homeland Security's Office of the Inspector General visited CBP and U.S. Immigration and Customs Enforcement processing facilities in El Paso, Texas, and McAllen, Texas, in late June, following Trump's executive order calling for an end to family separation. Border Patrol officials told the inspector general's office they held children because of "HHS' inability to accept placement of unaccompanied alien children promptly." "CBP officials also cited other possible reasons for extended detention, including the need to provide an unaccompanied alien child with medical care or delays in transportation arrangements provided by ICE," the report said.

Thousands of Chinese Asylees in the U.S. Might Be Deported for Immigration Fraud

[Epoch Times](#) [10/2/2018 5:41 PM, Frank Fang, 512K, NY] reports that about 13,500 immigrants who were granted asylum status in the United States before December 2012 – most of them Chinese – are now facing possible deportation because they may have lied on their asylum applications. U.S. immigration officials are reviewing about 3,500 asylum cases and 10,000 "derivative asylum status" cases that involve family members of asylees, according to a Sept. 28 report by National Public Radio. A person who has been granted asylum status can petition the U.S. Citizenship and Immigration Services for their family members to legally stay in the United States with derivative status. This status doesn't expire, provided that there is no change in the circumstances of the asylee. Katherine Tichacek, spokesperson for USCIS, said in a written statement on Sept. 28, "USCIS, ICE Office of the Principal Legal Advisor, and the Executive Office of Immigration Review are

reviewing these cases to maintain the integrity in our nation's asylum system and to ensure that the original asylum grant was lawfully obtained."

State joins fight to challenge asylum block

[Journal Courier](#) [10/2/2018 9:33 AM, Staff, FL] reports seventeen states, including Illinois, are going to court to try to stop the federal government from blocking immigrants who seek asylum due to domestic violence or gang terrorism in their home countries. In an amicus brief filed in the U.S. District Court for the District of Columbia, Illinois Attorney General Lisa Madigan and the other attorneys general argue that the federal government is ignoring decades of federal law and policy designed to protect asylum-seekers who are persecuted in their home countries because of their gender, ethnicity or other key personal characteristics. "I will not stand by as this administration continues its cruel policies of closing our borders to people seeking refuge in our country, including survivors of domestic and gang violence," Madigan said. "Turning away refugees who face real threats of violence in their home countries betrays America's basic ideals rooted in justice and compassion." In June, U.S. Attorney General Jeff Sessions issued a decision that reversed the federal Board of Immigration Appeals' grant of asylum to an El Salvadoran woman who was brutalized by her husband. The decision changed federal policy to state that, in general "claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum."

Judge Didn't Tell Immigrant What Was Required: 3rd Circ.

[Law 360](#) [10/2/2018 1:54 PM, Kevin Penton] reports the Third Circuit on Monday determined that an immigration judge erred by rejecting a Salvadoran native's asylum bid, as the judge did not give the man adequate notice of what he needed to submit to sufficiently back up claims that appeared credible. The judge erred by rejecting Alejandro Misael Melendez Saravia's asylum and withholding of removal bids after requiring him to provide statements from his mother and half-brother that would corroborate claims that he credibly feared physical harm by the MS-13 gang should he be returned to El Salvador, but without giving Melendez Saravia adequate notice of that requirement, according to Monday's opinion. The immigration judge based his nixing of Melendez Saravia's petition in part on a 2015 Board of Immigration Appeals case known as Matter of L-A-C-, which does not require judges to give advance notice of the specific corroborating evidence they will require in a case, according to Monday's opinion.

[TN] Previously deported inmates diverted to federal system

[Citizen Tribune](#) [10/2/2018 4:40 PM, Robert Moore, TN] reports previously deported Latinos booked into the Hamblen County Jail on misdemeanor charges are being diverted into the federal court system. In most cases, in the four to five months it takes to adjudicate the cases, the defendants are sentenced to time served and returned to their home countries, according to court documents. Agustin Lopez Garcia, a 28-year-old Mexican national deported from Arizona in 2012, was arrested on Sept. 28 for drunken driving in Morristown, faces near-certain deportation. He has not been indicted by a federal grand jury, but was detained on a U.S. Immigration and Customs Enforcement criminal complaint written by Kashif Z. Chowhan, an I.C.E. deportation officer. Garcia, who made his initial appearance in federal court in Greeneville on Monday, will remain in federal custody until his case is adjudicated. He could be indicted as early as Oct. 16.

[CA] Migrant minor is held in adult detention facility for nearly a year after dental exam found he was likely 18

[Los Angeles Times](#) [10/2/2018 4:00 AM, Brittney Mejia, 3575K] reports that soon after a young Guatemalan immigrant climbed over a border fence into California last year, he was detained, processed as an unaccompanied minor and placed in a youth shelter. That changed when a dental exam showed an 85.8% probability that the young man was 18. At that point, the Office of Refugee Resettlement turned him over to Immigration and Customs Enforcement, which held him in Orange County jails with adult immigrant detainees. After nearly a year, a birth certificate proved what lawyers had said for months: Jose is 17. Although he is back in the refugee office's custody, his case has renewed concerns over the use of dental forensics to determine age – and the mistaken placement of juveniles in adult detention.

[CA] Undocumented Oakland father victim of a crime because ICE held him too long: attorney

[KTVU](#) [10/2/2018 12:18 PM, Lisa Fernandez, CA] reports that in what could be the first legal test of its kind under the Trump Administration, attorneys for an undocumented immigrant in Oakland are trying to declare him the victim of a crime because he was held for too long in an ICE detention center. But the U.S. Attorney's Office is arguing that Ricardo Mercado-Guillen, 39, a father of three and featured this year in a special KTVU report, is certainly no victim and should be deported right away. In fact, Mercado has been ordered twice to be deported since he came here 22 years ago when he was 17 years old from Mexico. And he was under a final deportation order when he picked up on July 11, 2017 and taken to the now-closed ICE center at the West County Detention Facility in Richmond. His lawyer, Kevin Crabtree, is arguing that Mercado was the victim of "false imprisonment." And the perpetrators in this case, Crabtree alleges, are ICE agents. Crabtree is trying to get his client a U-Visa, which has traditionally been given out to crime victims by police agencies who need undocumented immigrants to testify and help them solve cases. He said that Mercado is eligible for a U-Visa because he was the victim of a crime – being held in an ICE detention center too long. "They had no authority to hold him anymore," Crabtree said. A hearing on Mercado's case is scheduled for Dec. 6.

[CA] Court orders prompt hearings for undocumented teenagers

[SFBay](#) [10/1/2018 7:12 PM, Julia Cheever, CA] reports that a federal appeals court ruled in San Francisco Monday that undocumented teenagers who are accused of gang affiliation can't be held in custody indefinitely and must be given a prompt hearing before an immigration judge. The decision by the 9th U.S. Circuit Court of Appeals applies to undocumented minors who previously were allowed by the government to live with a relative or other sponsor, but then were arrested after being accused of gang affiliation. A three-judge panel of the appeals court quoted an earlier Supreme Court ruling that said the constitutional right of due process requires "the opportunity to be heard in a meaningful way." The court upheld a preliminary injunction issued by U.S. District Judge Vince Chhabria of San Francisco in a lawsuit filed by three youths who were swept up in a U.S. Immigration and Customs Enforcement raid on alleged gang members in two New York counties. The plaintiffs were among 12 youths under the age 18 who were arrested in June 2017 in ICE arrests of 45 alleged gang members. ICE alleged that 39 of those arrested were affiliated with the MS-13 gang.

Enforcement News

[MA] Mexican man deported 9 times in 14 years sentenced for re-entering the country illegally

[MassLive](#) [10/2/2018 7:08 PM, Jeanette DeForge, 180K, MA] reports that a Mexican national who had been deported nine times in 14 years was sentenced Tuesday for illegally re-entering the country. Bulmaro Enriquez, 32, also faces pending state charges for domestic assault and battery and has prior convictions for drug possession and drunken driving, said Christina DiLorio-Sterling, spokeswoman for U.S. Attorney Andrew Lelling.

[NY] Kingston chef detained by ICE will return to Mexico, yet sits in jail

[Spectrum News](#) [10/2/2018 8:47 AM, Staff, 43K, NY] reports that it's been 73 days. Carlos Vasquez – the former head grill chef at the Anchor in Kingston – wants to voluntarily leave the United States, and head back to Mexico. Vasquez – who is undocumented – was detained at the probation office across Broadway from his former employer on July 18. An ICE source says a 2011 DWI put Vasquez on ICE's radar and led to his detention. Vasquez has since asked to be granted voluntary departure to Mexico, so he can begin the process to return legally. He hasn't heard an answer from ICE, and his attorney is seeking answers from the courts. Spectrum News reached out to the Executive Office for Immigration Review, which oversees immigration court, to inquire about Vasquez, and are still waiting to hear back.

[NY] Illegal Immigrant Turned Over to ICE After Trashing Queensbury Home

[WGY News Radio](#) [10/2/2018 1:44 PM, Staff, 1K, NY] reports that in Warren County, an illegal immigrant living in Schenectady is facing two felony charges after police say that she trashed a home on Fox Hollow Lane in Queensbury, destroying electronic devices, clothing and household items totaling several thousand dollars. Sheriff's deputies say 25-year-old Karen Hernandez-Ortiz, had a dispute with the resident of the house. During the investigation it was determined that Ortiz is a Mexican National, and is in the country illegally. She has been turned over to Immigration and Customs Officials.

[PA] Deported alien indicted after found in Lebanon County

[Lebanon Daily News](#) [10/2/2018 11:49 AM, Staff, 4K, PA] reports that the United States Attorney's Office for the Middle District of Pennsylvania announced today that 20 previously deported aliens were indicted separately on Sept. 26, by a federal grand jury for illegal re-entry into the United States. These matters arose in counties throughout the District including Cumberland, Dauphin, Franklin, Lackawanna, Luzerne, Monroe, York, and one in Lebanon. According to United States Attorney David J. Freed, Abel Perez-Perez, age 25, of Mexico, was previously deported from the United States to Mexico in November 2013. He is alleged to have illegally re-entered the United States sometime after November 2013, and was found in the United States in Lebanon County, Pennsylvania after eluding examination or inspection by immigration officers.

[IA] Attempted sexual assault suspect being held for ICE

[1630 KCJJ](#) [10/2/2018 8:49 AM, Staff, IA] reports that an attempted sexual assault suspect arrested early Monday morning is being detained for Immigration and Customs Enforcement. That's according to online records from the Johnson County Jail, where 33-year-old F Alviano Rosember Ramirez-Roblero of South Gilbert Street was booked just

before 5:15 a.m. Monday. Ramirez-Roblero is charged with Assault with Intent to Commit Sexual Abuse. If convicted, he faces a maximum of two years in prison.

[AZ] Border Patrol Agents Bust Kidnapper, Sex Offenders Illegally Re-Entering U.S.

[Breitbart](#) [10/2/2018 11:31 AM, Bob Price, 2213K] reports Border Patrol agents assigned to Arizona sectors stopped three dangerous criminal aliens from successfully re-entering the U.S from Mexico. Agents assigned to the Yuma and Tucson Sectors encountered three previously removed criminal aliens and stopped them from successfully making their way back into the U.S. Records revealed that two of the criminal aliens had convictions for sex offenses and the third has a conviction for kidnapping, according to U.S. Customs and Border Protection. Agents assigned to the Brian A. Terry Border Patrol Station arrested 40-year-old Jose Adan Olvera-Rojas after he illegally crossed the border near Naco, Arizona, on Saturday. The agents transported the migrant to the station and conducted a biometric background investigation. Records revealed that Olvera-Rojas is a previously convicted sex offender. A court in Marion County, Florida, convicted him for rape in 2002, officials stated.

[CA] Nooses, rotting teeth and neglect: Inspectors find dismal conditions at California immigration jail

[Washington Post](#) [10/2/2018 6:40 PM, Nick Miroff, 11614K] reports that Homeland Security inspectors who made an unannounced visit to a private, for-profit immigration jail in California in May found major violations of federal detention standards, including cells with nooses dangling from air vents, detainees losing teeth from lack of dental care and one disabled inmate left alone in a wheelchair for nine days. The infernal conditions are described in a report issued Tuesday by the Department of Homeland Security's office of inspector general, which audited the facility, overseen by Immigration and Customs Enforcement, in Adelanto, Calif. GEO declined to comment and referred inquiries to ICE. ICE officials said they have ordered a full inspection and review of the Adelanto facility that will begin this month. ICE said it would also seek input and assistance from its health teams, though officials challenged findings in the report related to the placement of detainees in segregation cells and a lack of language interpreters. "The safety, rights and health of detainees in ICE's care are of paramount concern and Adelanto, like all ICE detention facilities, is subject to stringent, regular inspections," ICE spokeswoman Lori Haley said in a statement. "ICE takes seriously the findings, and has agreed to conduct a full and immediate review of the center to ensure compliance with detention standards and expedite necessary corrective actions."

The [Los Angeles Times](#) [10/2/2018 6:45 PM, Paloma Esquivel and Brittney Mejia, 3575K, CA] reports that the report comes one year after immigrant advocates raised alarms about conditions at the facility after three detainees died there in a three-month period in 2017. Immigration and Customs Enforcement officials did not immediately respond to requests for comment. The report notes that ICE agreed with a recommendation to conduct a full review of the facility and its management by the GEO Group, which owns and operates the facility. Lori Haley, a spokeswoman for Immigration and Customs Enforcement, said in a statement that immigration officials take the findings seriously and have "agreed to conduct a full and immediate review of the center to ensure compliance with detention standards and expedite necessary corrective actions."

[NBC Los Angeles](#) [10/2/2018 4:19 PM, Jason Kandel, 154K, CA] reports that "Adelanto, like all ICE detention facilities, is subject to stringent, regular inspections," said Lori Haley, an

ICE spokeswoman. "Any compliance issues found during such reviews must be promptly addressed through a Uniform Corrective Action Plan. ICE takes seriously the OIG's findings, and has agreed to conduct a full and immediate review of the center to ensure compliance with detention standards and expedite necessary corrective actions."

The [New York Times](#) [10/2/2018 11:09 PM, Miriam Jordan, 25617K] reports that in response to the inspector general's report, ICE said it "concurred" with its recommendation and was "implementing corrective actions to ensure the Adelanto ICE Processing Center meets required detention standards." The agency said it would complete a full inspection of the facility "to ensure concerns identified in this report are fully inspected and addressed."

Reported similarly:

[Breitbart](#) [10/2/2018 5:43 PM, Staff, 2213K]

[USA Today](#) [10/2/2018 8:25 PM, Alan Gomez, 8110K]

[The Daily Caller](#) [10/2/2018 5:13 PM, Will Racke, 984K, DC]

[KSAT 12-TV](#) [10/2/2018 3:55 PM, Mary Claire Patton, 67K, TX]

[CBS Los Angeles](#) [10/2/2018 10:45 PM, Staff, 246K, CA]

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS
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Thursday, Oct. 4, 2018

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Executive Office for Immigration Review

DOJ Sets Quota for Immigration Judges to Reduce Backlog

[KRGV 5-TV](#) [10/3/2018 7:13 PM, Valerie Gonzalez, 33K, TX] reports a new quota for immigration judges, some say is just another hurdle to overcome. Others say the backlog of pending cases needs to be cleared. A new quota is one way to do it. But some judges and attorneys are concerned. In the last twelve years, the number of pending immigration cases in Texas continued to grow, according to records kept by Syracuse University. The Department of Justice Executive Office for Immigration Review wants this to change. The government sent a memo outlining performance goals for judges. They want most judges to clear about 700 cases a year, double the average number cleared now. [Editorial note: consult source link for video]

[MD] Leaked report shows the utter dysfunction of Baltimore's immigration court

[VICE News](#) [10/3/2018 8:54 PM, Ani Ucar] reports overwhelmed immigration courts are a national problem, and the growing backlog means an average immigration case is waiting in court for a record 717 days, as of 2018, according to Syracuse University. But Maryland, with its more than 34,000 pending cases, has the fastest-growing backlog, largely because its sole immigration court. The Baltimore Immigration Court, is one of the most beleaguered and understaffed in the country, according to a confidential Department of Justice review obtained by VICE News. VICE News first obtained a heavily redacted version of the report through a records request but later obtained an uncensored version of the review, which paints a portrait of dysfunction at one of the busiest immigration courts in the country. Completed in 2018 and covering the years 2014 to 2017, the review shows a department so understaffed that basic functions such as address changes or orders to appear in court were not processed or sent out as caseloads piled up. Failing to process key documents could deny migrants the opportunity to be heard in court. "Poor management of this core process leads to additional work for the Court and can result in respondents being ordered removed in absentia through no fault of their own," the report says. One judge currently on the court told VICE News that as cases and administrative work piles up, the court may not be able to provide due process. "I'm happy to be retirement-eligible, and quite frankly a lot of us are," said Baltimore Immigration Judge Denise N. Slavin, who spoke to VICE News in

her capacity as president emeritus of the National Association of Immigration Judges. "I feel like if I get pushed to a point to violate due process, or I'm being disciplined for not doing something that I thought would violate due process, I would be able to leave."

As bad as it's been in the Baltimore Immigration Court, it's about to get worse. On Monday, a new policy backed by Attorney General Jeff Sessions went into effect mandating that the nation's roughly 330 immigration judges process at least 700 cases per year. The Department of Justice has said it will hire 100 new immigration judges this calendar year to help with the backlog, but current and former immigration judges say more judges without commensurate support staff will only add to the problem. The confidential report on the Baltimore Immigration Office was performed by a court administrator at the request of the Office of the Chief Immigration Judge, a branch of the DOJ. Unlike state or federal courts, immigration courts are part of the Department of Justice, and therefore part of the executive branch of government. "It feels like you are being buried alive," said Los Angeles Immigration Judge Ashley Tabaddor, speaking as president of the National Association of Immigration Judges. "It's like this tsunami of cases that just never goes away, and instead of [us] being helped, the department is just adding more pressure."

[CA] San Diego federal prosecutor to judge immigration cases in Los Angeles

[San Diego Union-Tribune](#) [10/3/2018 3:10 PM, Kate Morrissey, 320K, CA] reports that a San Diego-based assistant U.S. attorney is among the hires in a large class of new immigration judges set to begin hearing cases this month. As part of the Trump administration's push to reduce a continuously growing backlog of immigration court cases, currently more than 764,000 cases, the Justice Department introduced a "streamlined hiring plan" to bring on more immigration judges. The Executive Office for Immigration Review, the agency within the department responsible for immigration courts, announced Friday that it had hired and trained 46 new judges, bringing the total to 395 nationwide. Anne Kristina Perry, a new immigration judge who worked in the U.S. Attorney's Office for the Southern District of California since 1991, will hear cases in the Los Angeles court. The recent hires will go first to a "mentor court" where they will partner with an experienced immigration judge to hear cases before they begin working their own dockets in their assigned courts, according to an official from EOIR. James McHenry, director of EOIR, said he expects the agency to hire additional judges before the end of the year.

[CA] Almost 2 years after arrest, L.A. immigrant busted while giving teen a ride to the border is expected to get his green card

[Los Angeles Times](#) [10/3/2018 3:10 PM, Andrea Castillo, 3575K, CA] reports that an immigration judge appears poised to cancel the deportation of an immigrant in the country illegally who was arrested near the Mexican border last year and accused of smuggling after giving a ride to a teenager he said tricked him. Jesus Arreola Robles, now 24, said he thought he was giving a paid ride to a friend's 17-year-old cousin the night of Feb. 12, 2017. Instead, he said the teen duped him into driving to Campo, a town east of San Diego near the border, where they were arrested by Customs and Border Protection officers. During a hearing Monday, Arreola's lawyer argued his petition for cancellation of removal before a Los Angeles-based judge with the Executive Office for Immigration Review. Judges who are leaning toward granting the relief typically postpone their judgement until the cap is replenished, said an EOIR spokesman. Judge Jan Latimore reserved her decision, the spokesman said, which means it's likely Arreola will be granted cancellation of his removal from the United States at his next hearing in August. At the hearing, an attorney for U.S.

Immigration and Customs Enforcement said the agency wouldn't oppose the judge's decision or seek an appeal.

Reported similarly: [KTLA](#) [10/3/2018 3:29 PM, Staff, 270K, CA]

Policy and Legislative News

DOJ condemns ruling blocking Trump immigration policy

[Washington Post](#) [10/4/2018 12:54 AM, Staff] reports the Department of Justice is condemning a judge's ruling that blocks the Trump administration from ending protections for 300,000 immigrants living and working in the United States. A federal judge in San Francisco issued a temporary injunction Wednesday that bars the administration from ending a program that allowed people from Haiti, Sudan, Nicaragua and El Salvador to stay in the U.S. temporarily. The ruling comes in a lawsuit that contends the administration improperly changed the rules for the program out of racism. DOJ spokesman Devin O'Malley says the ruling "usurps the role of the executive branch" and the administration did nothing improper. In the ruling, Judge Edward Chen said ending the protections could cause great suffering and harm to families. He also said there's evidence that President Donald Trump harbors animus toward non-white aliens. He cited Trump's remarks disparaging Mexicans, Muslims and certain nations.

[USA Today](#) [10/3/2018 10:29 PM, Alan Gomez] reports the U.S. District Judge Edward Chen ruled that the administration may have side-stepped federal rule-making guidelines, imposed undue political pressure on staffers, and violated the Equal Protection Clause by basing its decision "on animus against non-white, non-European immigrants." The ruling is the latest blow against President Donald Trump's efforts to overhaul the nation's immigration laws, following court orders limiting his travel ban targeting majority Muslim countries, his attempt to end the Deferred Action for Childhood Arrivals program, and his policy of separating migrant families along the southwest border. The preliminary injunction ordered by Chen prevents the deportation of an estimated 300,000 immigrants from El Salvador, Haiti, Nicaragua and Sudan, who were facing a series of deadlines starting in November to depart the country or risk becoming undocumented immigrants. These immigrants had been granted permission to be in the U.S. under the Temporary Protected Status program, better known as TPS. The humanitarian program was created in 1990 to help immigrants from countries that suffered war or major natural disasters. The Department of Homeland Security, which manages TPS, has argued that the program has been wrongly extended for years, and that conditions in those four countries are now suitable for thousands of their residents to return home. But the northern California federal judge disagreed with the administration and sided — at least

[Law 360](#) [10/3/2018 11:27 PM, Nicole Narea] reports that Judge Chen said that the proposed class had provided sufficient evidence suggesting that Department of Homeland Security officials deviated from the TPS criteria used in the past without "any explanation or justification in violation of the Administrative Procedure Act." It did not even acknowledge a change in practice, he said. U.S. Department of Justice spokesperson Devin O'Malley said in a statement that the Judge Chen improperly suggested that the "duly elected" president cannot have a role in administering the "safety and security of our nation's citizens or in the enforcement of our immigration laws." "The Court's decision usurps the role of the executive branch in our constitutional order," he said. "The Justice Department completely rejects the

notion that the White House or the Department of Homeland Security did anything improper."

[CNN](#) [10/3/2018 10:34 PM, Catherine E. Shoichet] reports reports that the judge's decision comes a week after a hearing in the case. It goes into effect immediately and is particularly welcome news for TPS recipients from Sudan, who were less than a month away from losing their protections.

[NPR](#) [10/4/2018 1:27 AM, Richard Gonzales] reports that in a statement, Justice Department spokesman Devin O'Malley said: "The Court's decision usurps the role of the executive branch in our constitutional order. The Court contends that the duly elected President of the United States cannot be involved in matters deciding the safety and security of our nation's citizens or in the enforcement of our immigration laws. The Justice Department completely rejects the notion that the White House or the Department of Homeland Security did anything improper. We will continue to fight for the integrity of our immigration laws and our national security."

Additional reporting:

[New York Times](#) [10/4/2018 6:00 AM, Daniel Victor]

[Washington Post](#) [10/4/2018 3:06 AM, Meagan Flynn]

Zero Tolerance Pushed Asylum-Seekers to Cross the Border Illegally, DHS Report Confirms

[The Intercept](#) [10/3/2018 12:11 PM, Cora Currier and Ryan Devereaux, 441K] reports that appearing before a group of concerned faith leaders in mid-June, Attorney General Jeff Sessions offered words of reassurance. For weeks, the national media had focused its attention on Sessions's "zero tolerance" initiative, a border enforcement strategy, which by that point had separated thousands of migrant children — including babies and toddlers — from their parents. "Please note, church friends, that if the adults go to one of our many ports of entry to claim asylum, they are not prosecuted and the family stays intact pending the legal process," Sessions said. Four days later, Department of Homeland Security Secretary Kirstjen Nielsen, offered more of the same at a White House press conference: "DHS is not separating families legitimately seeking asylum at ports of entry. If an adult enters at a port of entry and claims asylum, they will not face prosecution for illegal entry. They have not committed a crime by coming to the port of entry." Immigration attorneys and journalists on the border responded forcefully, arguing that the nation's ports had become increasingly locked down with Donald Trump's election, and that the problem had worsened with the onset of "zero tolerance." Now, nearly four months later, a report from Nielsen's own department indicates the advocates and reporters were right, and that the secretary and the attorney general were lying. According to the Office of the Inspector General at DHS, "While the Zero Tolerance Policy was in effect, government officials — including the DHS Secretary and the Attorney General — publicly encouraged asylum seeking adults to enter the United States legally through a port of entry to avoid prosecution and separation from their accompanying children. However, at the same time, [Customs and Border Protection] was regulating the flow of asylum-seekers at ports of entry through 'metering,' a practice CBP has utilized at least as far back as 2016 to regulate the flow of individuals at ports of entry."

Defenders: Feds making push to jail immigrants seeking asylum

[WCNC](#) [10/3/2018 8:54 PM, Nate Morabito, NC] reports a pending federal decision could send illegal immigrants trying to make Charlotte their home to jail indefinitely as soon as agents catch them at the U.S. border. Right now, many of those immigrants are released on bond while they wait for formal deportation hearings, but U.S. Attorney General Jeff Sessions is considering eliminating bond altogether. In recent weeks, he referred a decision of the Board of Immigration Appeals to himself for "review of issues relating to the authority to hold bond hearing for certain aliens screened for expedited removal proceedings." Charlotte immigration attorney Ben Snyder said this is the latest move by the federal government to try and keep illegal immigrants out of the U.S. He said over the last several years, most of his clients spent, at most, two or three months in jail. Those people were eventually released on bond, which allowed them to work and improve their chances, he said. North and South Carolina immigration hearings take place at Immigration Court in Charlotte. It's among the toughest in the country with a deportation rate of almost 90 percent, which is the third highest in the country, according to records collected by Syracuse University's Transactional Records Access Clearinghouse. If the attorney general approves the change, all illegal immigrants caught by border agents would go right to jail and stay there through the entire process, according to Snyder. We reached out to the U.S. Department of Justice Wednesday and are still waiting on the agency's formal response. Attorney General Sessions is expected to make a decision in the coming weeks.

Inspector General: Separated migrant children incarcerated in "holding pens" for weeks

[Salon](#) [10/3/2018 4:15 PM, Rachel Leah, 811K] reports that a new, damning report released by the Department of Homeland Security's internal watchdog on the Trump administration's Zero Tolerance Policy on undocumented immigration has determined that leadership was unprepared for its implementation, lacked resources, struggled to reunite families separated at the border and held migrant children for extended stays in short-term detention facilities. The DHS Office of Inspector General visited U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement facilities unannounced in the southern Texas area between June 26-28. The report also found that CBP, ICE and the Department of Health and Human Services lacked an integrated Federal immigration information system and its absence severely complicated the mission of identifying and reuniting separated families.

Hundreds of migrant kids haven't been reunited with their parents. What's taking so long?

[The Texas Tribune](#) [10/4/2018 1:01 AM, Hannah Wiley, 131K, TX] reports it took four months of detention, a \$13,000 bond, pressure from a U.S. congressman's office and a network of attorneys to finally reunite Angela with her 16-year-old daughter on Friday. The Central American mother and child were separated at the border in May under the Trump administration's since-overturned "zero tolerance" policy. Yet they're among the lucky ones. Some 350 children separated from their migrant parents this summer still have yet to be reunified, despite a court-ordered July 26 deadline to do it and endless hours of pro-bono legal aid. About half of those kids are on track for reunification. Federal officials declined to comment for this story. In a Sept. 27 report, they said they're trying to "identify any possible barriers to discharge" and are working with the American Civil Liberties Union to find solutions to reunite families. The kids who remain in federal custody – a fraction of the 2,654 who were separated from their families this summer – fall into two categories. In the case of 141 children, parents waived their rights to reunification or indicated they did not immediately intend to reunite with their kids – likely because they reasoned their children

would have a better chance at an asylum claim if they stayed in the United States. 136 other children simply haven't been reunited yet; the ACLU is working to locate and identify parents both inside and outside of the country for reunification or to find another appropriate person to release the child to.

Democrats Renew Call for DHS Secretary Nielsen to Resign Over Child Separations, Support House Investigation

[Newsweek](#) [10/3/2018 12:14 PM, Ramsey Touchberry, 2126K] reports that on the same June day that a federal judge ordered the Trump administration to begin reunifying the thousands of migrant families it had separated under its "zero tolerance" immigration policy, an internal government watchdog began quietly investigating Department of Homeland Security facilities where those migrants were being held. The 18-page report, conducted by the DHS Office of Inspector General, was issued on September 27 and made public in the following days. In it the watchdog agency documented the administration's lack of preparedness, inability to internally communicate to track and reunite families, and government agencies' apparent willingness to lie to federal investigators. On the heels of that report, at least eight House and Senate Democrats reignited their calls for DHS Secretary Kirstjen Nielsen to step aside. The family separation crisis was self-imposed by the administration in April after Attorney General Jeff Sessions announced the government would begin its "zero tolerance" policy of more aggressively prosecuting those who crossed the border illegally, resulting in separating minors from their parents. "We have to do our job. We will not apologize for doing our job," says Homeland Security Secretary Kirstjen Nielsen on separating families at the border. "This administration has a simple message: If you cross the border illegally, we will prosecute you."

[TX] Border Patrol Sector Chief: Criminals Exploit 'Loopholes' in Immigration System

[Breitbart](#) [10/3/2018 2:23 PM, Bob Price, 2213K, CA] reports that the chief Border Patrol official responsible for securing the busiest sector for illegal crossings says Congress must act to close loopholes that criminals are exploiting to bring families and unaccompanied minors into South Texas. "If you look at our activity in this sector, 40 percent of all of the apprehensions along the southwest border, 43 percent of the marijuana seized, the interesting part of the apprehensions that we have, 50 percent of the total are comprised of family units and unaccompanied children," Rio Grande Valley Sector Chief Manuel Padilla, Jr. told Breitbart Texas Editor-in-Chief Brandon Darby in an exclusive interview. "This demographic here, there is not a law enforcement solution to that. That's going to require immigration reform closing the loopholes that exist in our immigration system." [Editorial note: consult source link for video]

[CO] ICE Increasingly Relying on Jails to Find Immigrants It Can Deport

[Westword](#) [10/3/2018 7:29 AM, Chris Walker, 159K, CO] reports that since late February 2017, the Denver Sheriff Department, which oversees the Denver County Jail and Downtown Detention Center, has been keeping track of how often Immigration and Customs Enforcement sends in requests for the release times of certain inmates being held in those local facilities – ostensibly so that ICE can apprehend them as soon as deputies let them out of jail. From early 2017 through March 2018, ICE was averaging 15 such requests per month. But ICE's requests for inmate release dates have jumped significantly during the last six months. From April through September, ICE requested the release dates of 192 inmates being held in Denver's two jail facilities, an average of 32 requests per month. During the last three months alone, July through September, ICE made 108 requests for

inmates' release dates.

This issue was hotly debated last fall when the city was considering legislation to limit local law enforcement's cooperation with federal immigration enforcement. A major sticking point in the debate was whether the sheriff's department should respond to ICE's requests for release times of inmates. The Denver City Attorney's Office under Hancock pointed out that anyone can find out the release date for an inmate over the phone as long as the caller provides enough identifying information. Eventually a compromise was struck in which the sheriff's department would still give ICE release times for inmates that the federal agency was interested in, but it would advise the inmates of their rights and not allow ICE to see them inside the jails. That policy was spelled out in the Public Safety Enforcement Priorities Act, which the mayor signed into law on August 31, 2017, with an accompanying executive order setting up an immigrant legal defense fund. ICE's local field office director, Jeffrey Lynch, was livid. In a statement, he said, "By passing this irresponsible ordinance, the City of Denver's leadership has codified a dangerous policy that deliberately obstructs our country's lawful immigration system, protects serious criminal alien offenders, and undermines public safety." But as DSD's quarter-three report detailing 108 ICE requests shows, the sheriff's department continues to provide ICE with information – sometimes weeks after the request is made.

Legal News

Border Patrol Was Only Authorized to Keep Kids for 72 Hours; They Kept One for 600
[Rolling Stone](#) [10/3/2018 5:25 PM, Tim Dickinson, 2020K, NY] reports that the inspector general for the Department of Homeland Security has released a special review of the Trump administration's "Zero Tolerance Policy" that separated more than 2,600 migrant children from their parents earlier this year. When Border Patrol takes custody of a migrant youth, that child is supposed to be transferred to Health and Human Services within 72 hours, absent "exceptional circumstances." The inspector general review underscores that "CBP facilities are not designed to hold people for long periods of time" and that Border Patrol policy mandates "every effort must be made to hold detainees for the least amount of time." But as Trump's Zero Tolerance Policy went into effect, Border Patrol disregarded the mandated limits. "Border Patrol's data shows that the Rio Grande Valley sector exceeded the 72-hour time period for at least 564 children." One child was held for 25 days – or nearly 600 hours. The IG report offers child-separation data through September 20th. And it's clear that the Trump administration has still not met a court order to reunify the families separated by on account of the policy. According to the IG, of the 2,654 children "deemed eligible for reunification" by the feds, 403 have yet to be returned to their parents, including 19 kids under the age of five.

[NY] Former law firm clients coached to lie in asylum cases may be targeted for deportation

[ABA Journal](#) [10/3/2018 4:43 PM, Lorelei Laird, 55K] reports that up to 13,500 immigrants who have received asylum may be deported because the law firms they used were found to be coaching them in what to say, NPR reported last Friday. The asylum claimants are people whose cases were handled by a group of 30 lawyers, paralegals and interpreters in New York who were found in 2012 to be presenting fraudulent claims. Many were convicted of helping their clients – mostly Chinese nationals – obtain asylum by lying about their experiences in their home countries. They handled roughly 3,500 people's cases and the

remainder involving family members, whose immigration status derives from the clients, could also be affected.

[TX] Final hearing reveals more details on inner workings of Casa Padre

[Brownsville Herald](#) [10/3/2018 9:25 AM, Mark Reagan, 5K, TX] reports that the final court proceeding Tuesday morning in a guardianship investigation initiated in Cameron County Court-at-Law No. 4 revealed that a federal judge visited the Southwest Key-Casa Padre immigrant shelter in early September. U.S. District Judge Rolando Olvera toured the nonprofit shelter that holds unaccompanied minor immigrants as well as immigrant children separated from their parents under President Donald Trump's zero-tolerance prosecution policy on Sept. 7, court-appointed attorney Myles Garza said during the hearing. Garza, who was present for the tour, said Olvera had no restrictions and was able to speak to children being held at the shelter. His tour revealed information previously unknown to Myles Garza, who along with an investigator and several guardians, were appointed by County Court-at-Law No. 4 Judge Sheila Bence to determine whether any of the 1,400 children held in the old Walmart on Padre Island Highway were in need of legal guardians or counsel.

[KS] Time, options running out for Kansas family fighting deportation of adopted S. Korean child

[USA Today](#) [10/3/2018 2:29 PM, John Bacon and Doug Stanglin, 8110K] reports that a federal judge in Kansas has ruled that Hyebin Schreiber, a South Korean-born teen who was adopted by her aunt and uncle in Kansas, will have to leave the country after graduation from college because of a disparity between state and immigration laws regarding a child's age at the time of her adoption. Time and legal options are running out for a Kansas couple desperately trying to keep their adopted daughter from being deported back to South Korea on a legal technicality involving adoption and immigration law. Hyebin Schreiber was brought to the U.S. by her would-be adoptive parents in 2012 when she was 15. In Kansas, the cutoff date to complete legal adoption is 18. Hyebin was 17 when the adoption became final in December 2014. The family didn't realize that under federal rules she had to be adopted by the age of 16 to be granted citizenship. The family's delay was understandable – Hyebin's dad, Lt. Col. Patrick Schreiber, spent much of 2013 and 2014 serving in Afghanistan. Still, a federal judge ruled last week that the law is clear and that Hyebin, a senior biochemistry student at Kansas University, must leave the country upon graduation. Efforts to remedy the teen's case with an emergency "private bill" in Congress failed to draw the support of the Kansas congressional delegation, Rekha Sharma-Crawford, a lawyer for Schreiber's family, told USA TODAY. "The attitude of the lawmakers was that even if they filed a private bill it would not pass given the current climate," Sharma-Crawford said. If Hyebin goes back, it won't be alone, her parents say. "But, so help him God, Lt. Col. Patrick Schreiber and his wife, Soo Jin Ye, are prepared to leave the U.S. with their daughter if Immigration and Customs Enforcement deports her to South Korea."

[CO] Iranian living in Aurora sues Jeff Sessions over 2-year wait for citizenship interview

[Denver Post](#) [10/3/2018 4:36 PM, Kirk Mitchell, CO] reports an Iranian who has been living legally in Aurora since 2011 has sued U.S. Attorney General Jeff Sessions and other federal officials, claiming he has been waiting two years, two months and 28 days for a pre-naturalization interview in violation of federal standards. Ali Nejatbaksh Azadani says an interminable delay on the basis that his background check is still in process has thwarted

his attempt to become a U.S. citizen. So on Tuesday he filed a civil lawsuit in U.S. District Court in Denver against Sessions, FBI Director Christopher Wray, Department of Homeland Security Secretary Kirstjen Nielsen and U.S. Citizenship and Immigration Services Director Lee Cissna. Devin O'Malley, Sessions' spokesman, declined to comment about the lawsuit. Azadani is asking a federal judge to order the defendants to give him his naturalization interview within 30 days. He is also seeking unspecified monetary damages and attorney fees and costs, according to the lawsuit filed by Denver attorney Catherine Chan.

[CA] New California pardon law may help those facing deportation

[NBC News](#) [10/3/2018 10:17 AM, Agnes Constante, 3740K] reports that a new California law is expected to speed up the state's criminal pardon process in a move that advocates hope will offer relief for some facing the possibility of deportation. California Gov. Jerry Brown on Thursday signed into law a bill that requires the state parole board to consider an expedited review of pardon applications from individuals at risk of deportation. According to the Southeast Asia Resource Action Center, another organization that backed the bill, at least 16,000 Southeast Asian Americans – many of whom came to the United States as refugee children – have final orders of removal. SEARAC estimates that about 72 Cambodians have been deported so far in 2018, with 43 deported earlier this year and about 30 removed in late August. An ICE spokesperson did not respond to a request for the number of Southeast Asians that have been deported this year but said full figures are scheduled to be released before the end of the year.

[CA] Calif. AG Issues Model For Courts Handling Immigrants' Cases

[Law 360](#) [10/3/2018 7:16 PM, Tiffany Hu] reports California state courts must adopt policies aimed at protecting immigrants in their courthouses under guidance issued by state Attorney General Xavier Becerra's office seeking to limit courthouse employees' involvement in federal immigration enforcement activities "to the fullest extent under the law." The 36-page guidance issued this month describes "model policies" for state courts to allow greater access to justice for all individuals, such as requiring courts to use pseudonyms and reducing in-court appearances when appropriate. The guidance also requires courthouse employees to not disclose an individual's citizenship or immigration status, unless required by warrant, court order or law, and further bans employees in most cases from asking individuals — including crime victims and witnesses — about their immigration status. In addition, state courts must also implement policies that block public access to certain restricted areas to "promote a safe environment conducive to the court's mission," according to the guidance. The guidance also requires courts to enact policies that specifically shield children and crime victims. Juvenile courts are prohibited from letting immigration authorities arrest children within their facilities unless they pose an "immediate risk" to public safety, or access their files without the presiding judge's permission, according to the guidance. The guidance also distinguishes between U.S. Immigration and Customs Enforcement administrative warrants and subpoenas and their judicial equivalents, noting that the former does not give immigration enforcement authorities "any special powers" to force courthouse employees to comply with their requests. A representative for ICE did not immediately respond to a request for comment Wednesday.

Enforcement News

[NY] Albany imam completes prison sentence Wednesday in anti-terror case

[Times Union](#) [10/3/2018 2:08 PM, Wendy Liberatore, 118K, NY] reports that the former Albany imam, whom supporters believe was caught in an anti-Muslim backlash after the Sept. 11 terror attacks, is expected to be released from federal prison Wednesday after serving 15 years for his conviction in an undercover terror sting. Yassin Aref is expected to be placed in the custody of U.S. Immigration and Customs officials after he is released from a federal prison in Loretto, Pa., his lawyer, Kathy Manley, said. Once in ICE custody, she said, Aref will face an immigration judge and await eventual deportation to his native Kurdistan.

[FL] Arrests at immigration marriage interviews pop up in Florida

[CNN](#) [10/3/2018 10:36 AM, Sonia Moghe and Samira Said, 28810K] reports that Maria and Oscar Hernandez Miranda had been preparing for the marriage interview portion of Oscar's immigration application for a year and a half. As they sat in a Miami immigration office for the interview last week, the couple, who married in September 2015, was suddenly interrupted by the interviewer. "He (told) me that he needed to speak to my husband alone, and he asked me to go out to the lobby," Maria told CNN. "Twenty minutes after, he came back and asked to talk to me and told me my husband was taken by ICE." Lisa Lehner, a senior litigation attorney with Americans for Immigrant Justice, said she knows of at least four of these arrests, including Oscar's, happening in the Miami area, in the last month alone. Each one of the people arrested was an immigrant with deportation orders, married to a US citizen and applying for a "provisional waiver" application, to become a lawful permanent resident, according to Lehner.

Nestor Yglesias, a spokesman for Miami's ICE office, confirmed that ICE arrested Oscar. He had been originally arrested by U.S. Border Patrol in February 2005, was issued a notice to appear in immigration court and did not show up for the court date. The spokesman said an immigration judge issued him a final order of removal in June 2005, and Oscar remained an ICE fugitive until he was arrested last week.

Reported similarly: [Fortune](#) [10/3/2018 2:35 PM, Erin Corbett, 1531K]

[FL] Fla. Restaurateurs Admit To Harboring Unauthorized Workers

[Law 360](#) [10/3/2018 8:46 PM, Suzanne Monyak] reports a Jacksonville husband and wife pled guilty in Florida federal court to illegally harboring undocumented immigrants who worked at the couple's sushi restaurant, the U.S. Department of Justice said Wednesday. Prosecutors say that Min Lin and He Ying Qiu provided free housing and transportation as well as tax-free cash wages to four undocumented immigrants they hired at their restaurant, the Sushi House, located in Jacksonville, Florida. According to the government, U.S. Immigration and Customs Enforcement agents began investigating the restaurant after receiving a tip from a "concerned citizen." The Jacksonville Sheriff's Office first reported Lin and Qiu driving four individuals who "appeared to be aliens who were illegally present" in the U.S. in a van after business hours in January. Sheriff's officers pulled the van over again later that year, finding that two of the passengers, who were also in the van when it was pulled over in January, were in the U.S. illegally, the DOJ said.

[OH] Mauritanian man refuses to get on plane after deportation order

[ABC 6](#) [10/3/2018 8:54 PM, Alexis Moberger, OH] reports a deportation battle played out at John Glenn International Airport Wednesday. The attorney for a man from a small African nation, living in Ohio, said he was ordered out of the country with little warning. He didn't get

on the plane, and he is now in a Central Ohio jail. "They are essentially the bully jumping out of the bushes trying to surprise us," said Immigration Attorney Julie Nemecek. A Mauritanian man, Amadou Sow, was rushed to the John Glenn International Airport Wednesday under a deportation order. His attorney said, his family was never notified. However, Sow refused to board. Sow is one of dozens of Mauritians who have been under the deportation fire. This after there's been an increase in immigration enforcement under the Trump administration. Nemecek said Sow's attorney was getting ready to file a case with the Board of Immigration Appeals to stop his removal. For now, Sow will be put back in the Morrow County Jail.

[CA] Inspectors find nooses in immigration detention center

[Washington Post](#) [10/3/2018 4:19 PM, Associated Press] reports that federal inspectors found nooses made from bedsheets hanging in more than a dozen cells at an immigration detention facility in Southern California, according to a government report. The Department of Homeland Security's Office of Inspector General issued a scathing report after visiting the privately-run detention facility in the city of Adelanto in May, the Los Angeles Times reported Tuesday. Inspectors found nooses in 15 of 20 cells they visited at the center operated by the GEO Group for Immigration and Customs Enforcement, and said guards told them that removing the sheets was not a high priority. Some detainees said they used the braided sheets as clotheslines or unfurled them for privacy. One detainee told inspectors he had seen them used for attempted suicides and that "the guards laugh at them and call them 'suicide failures' once they are back from medical." Lori Haley, an ICE spokeswoman, said the agency takes the findings seriously and will conduct an immediate review of the facility. "ICE recognizes that this can present a dangerous safety vulnerability and will intensify efforts to address this issue," she said. There were at least seven suicide attempts at the facility between December 2016 and October 2017, and a 32-year-old man killed himself by hanging in March 2017, according to the report.

[CNN](#) [10/3/2018 3:15 PM, Catherine E. Shoichet] reports that in a statement included in the OIG report, ICE said it would be conducting its own inspection of the facility this month to gauge whether it complies with the agency's detention standards. "The safety, rights and health of detainees in ICE's care are paramount. ICE is concerned by the OIG's findings," wrote Nathalie Asher, ICE's executive associate director for Enforcement and Removal Operations. "However, the OIG's draft report lacks important context on some issues. For example, when a disciplinary infraction occurs, it may be necessary to remove the detainee from the general population while the matter is investigated to ensure the safety and security of the facility." The Trump administration has pushed to expand the use of detention facilities to hold immigrants who are in deportation proceedings. An average of more than 40,000 detainees are in custody daily at ICE facilities, according to government statistics. Immigrant advocacy organizations have long criticized the Adelanto facility, where more than 1,600 immigrant men and women were held when inspectors visited in May.

[NBC Dallas-Fort Worth](#) [10/3/2018 6:19 PM, Jason Kandel, 119K, TX] reports, "Adelanto, like all ICE detention facilities, is subject to stringent, regular inspections," said Haley. "Any compliance issues found during such reviews must be promptly addressed through a Uniform Corrective Action Plan. ICE takes seriously the OIG's findings, and has agreed to conduct a full and immediate review of the center to ensure compliance with detention standards and expedite necessary corrective actions."

[Law 360](#) [10/3/2018 5:19 PM, Suzanne Monyak] reports that in a statement, ICE said it

agreed with the OIG report's recommendation to conduct a full review of the Adelanto center's procedures and of GEO's operations to ensure they comply with the agency's 2011 Performance-Based National Detention Standards. "The safety, rights and health of detainees in ICE's care are of paramount concern, and Adelanto, like all ICE detention facilities, is subject to stringent, regular inspections," Lori Haley, a spokeswoman for ICE, said in a statement to Law360. "ICE takes seriously the OIG's findings and has agreed to conduct a full and immediate review of the center to ensure compliance with detention standards and expedite necessary corrective actions."

Reported similarly:

[KWHN-AM](#) [10/3/2018 4:56 PM, RJ Johnson, 820K, AR]

[KFI AM-640](#) [10/3/2018 9:01 AM, Alex Razo, 22K, CA]

[CA] Owner of Adelanto Detention Center says corrective actions have been taken in wake of scathing report

[Riverside Press-Enterprise](#) [10/3/2018 3:37 PM, Scott Schwebke, 55K, CA] reports corrective action has been taken at Adelanto Detention Center in the wake of a scathing federal report that found numerous nooses fashioned from bedsheets hanging in cells and inadequate medical care for immigration detainees, according to the company that owns the facility. Adelanto warden James Janecka, who is employed by Florida-based GEO Group Inc., the owner and operator of the center, said in a Sept. 6 letter to U.S. Immigration and Customs Enforcement officials that the safety of detainees and staff is paramount. In May, officials with the Department of Homeland Security's Office of Inspector General made a surprise visit to the High Desert facility in Adelanto, which houses 1,659 detainees and has 307 contract guards. Inspectors, in an 18-page report released last week, said they identified serious issues relating to safety, detainee rights and medical care that required ICE's immediate attention.

[CA] Fourth victim dies in string of attacks on homeless in L.A., Santa Monica

[Los Angeles Times](#) [10/3/2018 12:05 PM, James Queally, 3575K] reports a man who was battered in Santa Monica during a spate of attacks on the region's sprawling and vulnerable homeless population last month died of his injuries Sunday, authorities said. The victim, who was not immediately identified, was struck in the head while sleeping in the area of 7th Street and Broadway in Santa Monica early on the morning of Sept. 24, police have said. He was the last in a string of victims police believe were beaten by Ramon Escobar, a 47-year-old Houston man suspected of killing four men and seriously injuring four others as they slept outside in Los Angeles and Santa Monica from Sept. 8 to Sept. 24. Escobar, who is also a person of interest in the disappearance of two of his relatives in Texas, was captured by Santa Monica police shortly after the Sept. 24 attack. Escobar was born in El Salvador and had been deported six times between 1997 and 2011, according to U.S. Immigration and Customs Enforcement. He was ordered deported again in 2016, but an appeal of his removal was granted by a federal judge, records show. ICE has not responded to multiple requests from the Times for additional information. The Department of Justice denied a request for additional information, citing privacy laws.

Reported similarly:

[Associated Press](#) [10/3/2018 4:16 PM, Staff]

[CBS Los Angeles](#) [10/3/2018 2:01 PM, Staff, 246K, CA]

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS
www.TechMIS.com

Friday, Oct. 5, 2018

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[WA] Judge McSeveney to resign, take position in immigration court

[Wenatchee World](#) [10/4/2018 4:39 PM, Pete O'Cain, 7K, WA] reports that Chelan County Superior Court Judge Robert McSeveney on Thursday announced his resignation from the bench, effective Oct. 24. McSeveney was hired by the U.S. Department of Justice to serve as a federal immigration judge at the U.S. Immigration Court in Seattle. The position is a direct appointment by U.S. Attorney General Jeff Sessions. McSeveney, who immigrated to the U.S. from Scotland when he was 2, previously served for five years as a federal immigration judge in San Diego.

Reported similarly:

[KOHO](#) [10/4/2018 6:03 PM, Dan Langager, WA]

[NCW Life](#) [10/4/2018 4:14 PM, Cal FitzSimmons, WA]

Policy and Legislative News

Migrants embrace ruling that keeps temporary status for now

[Washington Post](#) [10/4/2018 5:30 PM, Philip Marcelo, Amy Taxin and Jennifer Kay] reports that when Sudanese immigrant Hiwaida Elarabi learned the U.S. government was ending the temporary protected status that allowed her to live and work in the country legally for two decades, she sold off the restaurant that had been her life's dream. Terrified to return to Sudan and unable to fathom a life without proper legal documents, the 55-year-old was one of hundreds of thousands of immigrants who got temporary relief after a federal judge blocked the Trump administration from moving ahead with its plans. "This is a good day," Elarabi said Thursday. She now works for a university in Massachusetts after obtaining her master's degree in bioinformatics. "I was stressed I might also lose my position at the university as well as my legal status in this country." Elarabi is one of some 300,000 immigrants from Sudan, El Salvador, Haiti and Nicaragua who for now will keep their temporary protected status, known as TPS, under the ruling. It's granted to citizens of countries ravaged by natural disasters or war and lets them live and work in the U.S. until the situation improves back home.

U.S. District Judge Edward Chen in San Francisco granted a request late Wednesday to block the administration's plans. He found there is evidence that "President Trump harbors an animus against non-white, non-European aliens which influenced his ... decision to end the TPS designation." It is the latest in a series of court decisions that have slowed the Trump administration's effort to crack down on immigration. Federal courts also pushed

back against the administration's travel ban on several mostly Muslim countries and the separation of immigrant parents and children at the U.S.-Mexico border. Justice Department spokesman Devin O'Malley said the ruling "usurps the role of the executive branch." "The Justice Department completely rejects the notion that the White House or the Department of Homeland Security did anything improper," he said in a statement.

[National Law Review](#) [10/4/2018 4:14 PM, Staff] reports that Chen held that in balancing the equities, the immediate harm to the TPS beneficiaries far outweighed any immediate harm to the U.S. He found that the TPS beneficiaries, many of whom have U.S.-citizen children who know no other home than the one they have in the U.S., are facing a "Hobson's choice" of either leaving the country without their children or leaving with their children and depriving those U.S.-citizen children of their lives in the U.S. Indeed, the Judge found that the U.S., rather than suffering harm from the continuation of TPS, actually might suffer economic harm due to the TPS terminations. The court also noted the termination of TPS might have "adverse ramifications internationally" that ultimately would reverberate to the U.S. in the form of "further irregular migration."

[The Intercept](#) [10/4/2018 11:48 AM, Leighton Akio Woodhouse, 441K] reports that Trump's openly displayed racial prejudices, the court concluded, may have influenced former Acting Secretary of Homeland Security Elaine Duke and current Secretary Kirstjen Nielsen to terminate temporary protected status for the four poor, nonwhite countries regardless of whether the conditions in those countries justified it.

Additional reporting:

[Los Angeles Times](#) [10/4/2018 7:00 PM, Andrea Castillo, 3575K]

[The Hill](#) [10/5/2018 6:00 AM, Rafael Bernal]

[ThinkProgress](#) [10/4/2018 12:32 PM, Rebekah Entralgo]

[VOX](#) [10/4/2018 11:07 AM, Dara Lind, 3472K, DC]

[Miami Herald](#) [10/4/2018 1:10 PM, Jacqueline Charles and Brenda Medina, 1126K, FL]

'I Feel Like an American Person': Immigrants Win Reprieve, but Anxiety Over Deportation Lingers

[New York Times](#) [10/5/2018 12:08 AM, Jennifer Medina, 25617K] reports that thousands of immigrants from El Salvador, Haiti, Nicaragua and Sudan are breathing sighs of relief: For now, they can stay. A federal judge ruled on Wednesday that the Trump administration could not immediately end special protections for people from those countries, which have been ravaged by wars and natural disasters. The immigrants' ultimate status in the United States remains in limbo, but the ruling means that they can continue to live and work legally in the country, as many of them have done for decades. Many of them had wrestled for months with what to do after the government announced it would end their protections. Would they risk staying in the United States? Take their American-born children to a country they do not know? Or split their families apart and return to countries they once desperately escaped?

The Immigrant Children: A Clash of Views

[New York Times](#) [10/4/2018 7:27 PM, Staff] reports an Oct. 2 editorial criticized the Department of Health and Human Services and our unaccompanied immigrant children program for doing what The Times recommended that our agency do during the previous administration. During 2014's surge of illegal immigrant children, you wrote that the

department "badly needs to increase its ability to shelter thousands properly as they wait to reunite with their parents and be seen in immigration courts." Now you are claiming that, by opening stopgap shelters to house children while more permanent shelters come on line, the department is letting children "rot in the desert." So which is it? In temporary shelters, as required by law, we provide housing, food, recreation, health care and, contrary to your implication, legal aid and educational services. Even though we have the highest ever number of children in our program, no children have been backed up at border stations waiting for beds, as happened in 2014. When insufficient background checks for sponsors who receive unaccompanied immigrant children led to human trafficking and other horrible situations, the previous administration was rightly criticized. Yet when the Trump administration instituted further vetting for sponsors, reducing reports of mistreatment, you expressed outrage at any delays that can result. The only solution is for Congress to address our broken immigration system. Until then, the department will compassionately and professionally administer a large-scale child welfare program for illegal immigrant children, providing for their security, safety and well-being. (Lynn Johnson, assistant secretary for children and families, Department of Health and Human Services)

New influx of Central Americans strains U.S. holding facilities

[Albuquerque Journal](#) [10/4/2018 10:29 PM, Angela Kocherga, 55K, NM] reports a new surge in Central American families attempting to enter the United States is putting a strain on Border Patrol facilities and migrant shelters along the stretch of border that includes New Mexico. "If I had space for 1,000 per week, (U.S. Immigration and Customs Enforcement) would release 1,000. We're over capacity," said Ruben Garcia, director of Annunciation House, which provides temporary shelter for migrants with help from a network of churches in the Las Cruces and El Paso areas. Half a dozen parents released from custody told the Journal that while spending the night at Annunciation House this week they were held in "overcrowded" cells with their children. Domingo Mateo, 68, of Guatemala, said he had to step over people sleeping on the floor to use a toilet in the corner and found people "asleep with their heads under the toilet bowl." In the past three months, there has been a spike in "family units" in the El Paso sector.

This was the "highest August on record" for the southwest border according to a statement issued by the U.S. Department of Homeland Security last month. Through August of this year, 9,641 families have been apprehended by Border Patrol agents in the El Paso sector, which includes all of New Mexico. The number of families arriving at ports of entry, mostly Central Americans seeking asylum, has nearly doubled this year in the El Paso sector, from 6,278 in all of 2017 to 11,264 through August of this year. A variety of factors could be contributing to the latest surge along the border. Along with an "expected seasonal increase," DHS Press Secretary Tyler Q. Houlton said smugglers "know if a family unit enters the U.S. illegally, they are likely to be released into the interior." There are only three family detention centers in the country, with a total capacity for 3,326 people, according to a Government Accountability Office report issued this year. With limited space, many parents arriving at the border with children are released with ankle monitors and are required to check in with ICE periodically while their case proceeds through immigration court.

Reported similarly:

[Dallas Morning News](#) [10/4/2018 5:45 AM, Alfredo Corchado and Dianne Solis, 496K, TX]

Venezuelan Immigrants Get Trump Sympathy But Not Status

[Huffington Post](#) [10/4/2018 8:49 AM, Tim Henderson] reports that Venezuelans have been flooding into the United States as their home country faces a severe economic and political crisis. Immigration from Venezuela increased by 21 percent or almost 61,000 people between 2016 and 2017, the largest significant increase in immigrants from one country that year, according to the Migration Policy Institute, a nonpartisan think tank based in Washington, D.C. Florida, Texas, California, New Jersey and Georgia got the lion's share of new Venezuelans, and earlier waves of Venezuelan immigrants are organizing to help them. Nationally the Venezuelan immigrant population has nearly doubled since 2010 to more than 350,000, according to census figures. Although the Trump administration has criticized the Venezuelan regime and expressed support for its citizens, the administration has so far refused to grant legal status to immigrants fleeing to Florida, Texas and other states. A petition filed last year by the Venezuelan American National Bar Association for temporary protected status, a legal status for immigrants from countries in crisis, has not yet been acted on by the Department of Homeland Security. Human Rights Watch, a nonprofit, also has called for temporary legal status for Venezuelans anywhere in the Americas during the crisis. A spokeswoman for the U.S. Department of Homeland Security, which makes the final decision on protected status, said the department has "no announcement to make at this time" about legal status for Venezuelans.

Black and Muslim, some African immigrants feel the brunt of Trump's immigration plans

[90.5 WESA](#) [10/4/2018 6:22 PM, Tiziana Rinaldi, 14K, PA] reports that "African [immigrants] around the country are confused and upset by the rhetoric and the threats," says Amaha Kassa, 43, an immigration lawyer and founder of African Communities Together, a nonprofit that advocates for the rights of African immigrants, who leads the group of nearly 2,000 members between New York and Washington, DC. He estimates that several hundred of them are at risk of deportation under a new administration that promised a crackdown, but has said very little about comprehensive immigration reform. They're black, nearly half of them are also Muslim and they heard Trump's campaign promises: He will not tolerate the undocumented and he wants to prevent people from Muslim-majority countries from entering the U.S. "They want to know 'what does it mean for me, for my family?'" says Kassa. According to a 2016 study by the Black Alliance for Just Immigration, a national advocacy organization, and the Immigrant Rights Clinic at the New York University School of Law, black people in America have a higher chance of coming in contact with the criminal justice system, which makes them more susceptible to police violence. Trump has begun to sign executive orders – instructions for the Department of Homeland Security and Immigration and Customs Enforcement – that codify this risk.

A New Report Reveals How Family Separation Led Border Officials to Break the Law

[Pacific Standard](#) [10/4/2018 1:00 PM, Jack Herrera, 110K, CA] reports that a new government report has found that the Trump administration's "zero-tolerance" immigration policy overwhelmed the country's unprepared immigration infrastructure. Among other failures, the report found that under-resourced border authorities broke the law and detained children for illegal amounts of time at facilities meant for short-term holding. The newly released internal report from the Department of Homeland Security begins its timeline with Attorney General Jeff Sessions' announcement of the zero-tolerance policy in April.

[NJ] An immigrant escapes justice in America, and N.J.'s bail reform is partially to blame

[Warren Reporter](#) [10/4/2018 7:10 AM, Matt Gray, 965K, NJ] reports that in April, Antelmo Velasques ran off the road and caused a crash that killed a 49-year-old man, police say. Then, he disappeared. Police, however, found him relatively quickly and charged him with death by auto. Velasques has now evaded justice for a second time, and will likely never be held accountable for his actions. His second escape came courtesy of federal immigration officials who deported the undocumented immigrant to Guatemala while he awaited trial in the fatal crash. Why would he be deported before he faced these charges? That's a tough question to answer. Defendants have used — or benefited from — the deportation process to escape American justice in the past, but some experts fear that Immigration and Customs Enforcement's new aggressiveness to send undocumented residents out of the country combined with New Jersey's bail reform will lead to more pre-trial deportations and denied justice for crime victims and their families.

[TX] Tent shelter in El Paso now holds 1,600 migrant children

[FOX 17 Nashville](#) [10/4/2018 11:27 AM, Claudia Tristan, TN] reports that the Tornillo shelter in El Paso, Texas was built to hold only a few hundred unaccompanied migrant children who show up at the border or ports of entry without parents. In less than two months its capacity has grown ten-fold. The shelter was activated in early June to temporarily accommodate 360 unaccompanied children. It was initially expected to stay open only until mid-September, but was extended to remain open through the end of the year. "We're not going to let them die in the desert," said Mark Weber, a spokesman for the Department of Health and Human Services. "As a result, we have facilities like this where children can be well taken care of." Tornillo housed both unaccompanied children and those separated from parents under the Trump administration's "zero-tolerance" policy. The Department of Health and Human Services told KFOX there are currently over 1,600 unaccompanied children ages ranging between 12-17 years old at Tornillo; about two-thirds of them are boys.

[TX] Texas agents seeing surge of families crossing border after controversial zero-tolerance policy ends

[FOX News](#) [10/4/2018 11:27 AM, Maggie Kerkman and Casey Stegall] reports that border agents say they are seeing an uptick in border crossers since President Trump's controversial "zero-tolerance" family separation policy ended. The number of people illegally crossing the border has increased 50 percent over last year, border agents say. "This is what we're facing here in South Texas," said Chief Patrol Agent Manuel Padilla Jr. "In this sector alone, we have over 158,000 apprehensions this year to date." Padilla said the people they apprehend split roughly into two groups: people who want to be caught, and people who actively avoid capture — adults coming to work, and smugglers pushing both drugs and people. Padilla said the solutions are different for each. Padilla said reversing this kind of traffic — these children and families — would not be simple. "This is going to require Congress to close the immigration loopholes, make immigration reform," Padilla told Fox News. "This population is exponentially growing and there is nothing from a border patrol standpoint that we can do down here at the field level to influence that population."

[CA] Bedsheet "nooses" among "serious violations" at California ICE detention facility

[CBS News](#) [10/4/2018 12:21 PM, Erin Donaghue] reports that a federal inspection report has uncovered "serious violations" at a southern California facility run by Immigration and Customs Enforcement. Among the issues: Bedsheet "nooses" hanging in cells and substandard dental care for detainees resulting in tooth loss and unnecessary extractions.

The blistering report from the Department of Homeland Security's Inspector General stems from an unannounced inspection in May 2018. The Adelanto ICE Processing Center, about 85 miles northeast of Los Angeles, houses up to 1,940 immigration detainees and is operated by the GEO Group, a private contractor. It drew scrutiny from advocates last year following multiple suicide attempts and the deaths of three detainees in a three-month period, according to the Los Angeles Times. The Inspector General report found that braided bedsheets the staff referred to as "nooses" — a potential suicide risk — were hanging from vents in 15 out of 20 cells that inspectors visited. Advocacy group Freedom for Immigrants, which has monitored conditions at the facility, said the report confirms that ICE and the GEO group "systematically violate the rights of detained individuals and subject them to health and safety hazards."

ICE spokeswoman Lori Haley says ICE takes the findings seriously and has agreed to a "full and immediate review of the center to ensure compliance with detention standards and expedite necessary corrective actions." Nathalie Asher, executive associate director of ICE's Enforcement and Removal Operations, called the findings "concerning" and said ICE concurs with the recommendations. However, Asher wrote the report lacked context on certain issues. Detainees, for example, may be placed in administrative segregation while an alleged disciplinary infraction is under investigation, Asher said, housed away from the general population but with fewer restrictions than in disciplinary segregation. A new review by an inspection firm is scheduled to begin Oct. 10, according to ICE. ICE has also ordered an additional "special assessment review" to target the concerns and will develop an ongoing plan for corrective action. It's expected to be complete by January 31, 2019.

Legal News

[NY] Manhattan U.S. Attorney appealing judge's decision to keep pizza delivery man from being deported

[NY1](#) [10/4/2018 9:16 AM, Staff, NY] reports that the Manhattan U.S. Attorney is appealing a judge's decision to keep a pizza delivery man from being deported. Pablo Villavicencio was arrested and detained by Immigration and Customs Enforcement in June, after making a delivery to the Fort Hamilton Army base in Brooklyn. The Ecuadoran immigrant was then granted the right to stay in the U.S. by a district court judge while he attempts to become a legal citizen. ICE officials say Villavicencio ignored a deportation order issued in 2010 after entering the country illegally. The district court has officially submitted its appeal following that order. [Editorial note: consult source link for video]

[CA] Calif. Law Change Doesn't Stop Man's Deportation, BIA Says

[Law 360](#) [10/4/2018 7:27 PM, Suzanne Monyak] reports a change in California law meant to protect immigrants from deportation for minor crimes does not apply to people convicted before the revision, the Board of Immigration Appeals said Thursday, rebuffing a Mexican citizen's attempt to beat deportation. On remand from the Ninth Circuit, the panel held that California's decision to retroactively reduce the sentence attached to Eduardo Velasquez-Rios' state forgery conviction does not now qualify him for a cancellation of removal, only available to those convicted of crimes that carry sentences of less than a year, because the state law carried a maximum sentence of a year at the time he was convicted. "[The Immigration and Nationality Act] calls for a backward-looking inquiry into the maximum possible sentence the alien could have received for his offense at the time of his conviction," the BIA said in its decision. According to the decision, Velasquez-Rios, who

entered the U.S. without authorization, was convicted of possession of a forged instrument under California state law in 2003, when that crime carried a sentence of up to 365 days. Velasquez was only sentenced to serve 12 days in prison. An immigration judge then ordered him in 2014 to be deported, finding that his forgery conviction fell under the INA's provision that a noncitizen who commits a crime of "moral turpitude ... for which a sentence of one year or longer may be imposed" is deportable. Immigrants convicted of a crime that falls under that provision of the INA are also ineligible for a cancellation of removal under the law.

Enforcement News

Despite Mexico and Congress's opposition, U.S. moves ahead with plan to give Mexico \$20M to deport migrants

[ABC News](#) [10/4/2018 7:00 PM, Conor Finnegan, 3178K] reports that the Trump administration is moving ahead with a plan to pay Mexico \$20 million to deport migrants from that country and prevent them from reaching the U.S. – even after the plan had been halted by top Democrats in Congress and so far dismissed by the Mexican government. The plan is just the latest by the administration to reduce the number of immigrants crossing the U.S. southern border, including its "zero tolerance" policy where anyone entering illegally would be prosecuted – leading to the infamous separations of children from their parents. It's the push-through – despite the informal "hold" that Democrats put on the transfer – that has outraged Capitol Hill, which has oversight of the State Department and the executive branch's funds. Congress was notified late Monday night that over the weekend, the administration had transferred the funds.

[MA] Feds arrest 50 in Lawrence drug sweep

[Boston Herald](#) [10/5/2018 6:00 AM, Brooks Sutherland, MA] reports around 50 people were arrested and enough fentanyl to "kill half the state" was seized yesterday near Lawrence after a federal drug, firearm and illegal immigration sweep. The sweep was a part of the Department of Justice's Project Safe Neighborhoods initiative and followed a string of federal investigations called "Operation Law and Order." U.S. Attorney Andrew Lelling said, "Lawrence is a clearing house for illegal drugs pouring into New Hampshire and Maine via 93 and 495." The operation seized over 20 pounds of fentanyl. The operation involved over 200 federal law enforcement agents and targeted repeat criminals that had prior convictions for violence, drug trafficking, firearm offenses or records of being in the country illegally, the attorney's office said. Agents involved in the operation came with cooperation from multiple agencies such as the Drug Enforcement Administration, Immigration and Customs Enforcement and Homeland Security Investigations, the FBI and U.S. Marshals Service.

Reported similarly:

[WHDH-TV](#) [10/4/2018 2:33 PM, Frank O'Laughlin, 79K, MA]

[Lowell Sun](#) [10/4/2018 2:34 PM, Staff, 26K, MA]

[CT] Honduran citizen pleads guilty to re-entering U.S. illegally

[Norwalk Hour](#) [10/4/2018 3:52 PM, Staff, 16K, CT] reports that Honduran citizen Javier Vasquez Martinez, last residing in Meriden, pleaded guilty in U.S. District Court Thursday to one count of re-entry of a removed alien, according to a press release from John H. Durham, U.S. attorney for the District of Connecticut. According to court documents and

witnesses, Vasquez Martinez was deported from the U.S. to Honduras in May 2016, following two state convictions for operating under the influence of drugs and/or alcohol, and one conviction for failure to appear. Investigation revealed that Vasquez Martinez, using the name "Merary Vasquez," had already had two state convictions in 2007 for operating under the influence, the release said. Judge Janet C. Hall has scheduled sentencing for Dec. 20, at which time Vasquez Martinez faces a maximum term of 10 years in prison. This investigation was conducted by the U.S. Department of Homeland Security and Immigration and Customs Enforcement.

[PA] Adams County man arrested, placed on ICE detainer after domestic dispute

[Evening Sun](#) [10/4/2018 11:13 AM, Kaitlin Greenockle, 2K, PA] reports that a Butler Township man, who was charged with three misdemeanors, has been taken to Adams County prison on no bail because he has an Immigration and Customs Enforcement detainer. Mario Ruiz Ruiz, 30, of the 700 block of Benders Church Road, was arrested and charged after he allegedly threatened his girlfriend and attempted to destroy the vehicle they were both in, according to an affidavit filed with District Judge Mark Beauchat. Ruiz is being held without bail in Adams County prison on an ICE detainer, documents state. "Individuals with an ICE detainer are subject to removal pending immigration proceedings," ICE officials said in an email. Ruiz has a preliminary hearing scheduled for Oct. 10.

[NC] Alien found in Johnston County indicted on illegal reentry charge

[Johnstonian News](#) [10/4/2018 3:25 PM, Staff, NC] reports that a federal grand jury has indicted a 33-year-old Mexican native, found in Johnston County, with illegal reentry of a deported alien. The U.S. District Attorney's Office announced the indictment was returned against Ricardo Contreras-Mendoza. If convicted, Contreras-Mendoza would face maximum penalties of two years' imprisonment, a \$250,000 fine, and a term of supervised release following any term of imprisonment. The case is being investigated by ICE's Enforcement and Removal Operations.

[FL] Owners Of St. Johns Town Center's Sushi House Plead Guilty To Immigration Violations

[WJCT](#) [10/4/2018 4:45 PM, Max Marbut, 5K, FL] reports that the owners of a restaurant at St. Johns Town Center have pleaded guilty in federal court to violations of immigration law. Our Jacksonville Daily Record news partner reports Min Lin, 35, and He Ying Qiu, 46, owners of Sushi House, will be sentenced for harboring illegal aliens for the purpose of commercial advantage and private financial gain. The case was investigated by U.S. Immigration and Customs Enforcement's Homeland Security Investigations.

[LA] Honduran man arrested, accused of rape at local motel

[KATC 3](#) [10/4/2018 4:04 PM, Brian Richard, 27K, LA] reports a Honduran man has been arrested in Lake Charles accused of raping a guest at a local motel. Officials say that on Saturday, September 29, Lake Charles Police responded to an alleged rape at a local motel. It was determined that the suspect identified as Osman Alvarado-Martinez worked in the Lake Charles area. Through additional evidence and interviews, Martinez was found to be the suspect responsible for this crime, according to police. He was arrested and booked into the Calcasieu Parish Corrections facility on the charge of third-degree rape. His bond has been set at \$250,000 by Judge Davis. Martinez is also being held on a Federal Immigration Detainer as an illegal immigrant from Honduras.

[OH] Cincinnati father of five in ICE custody, could be deported to Mauritania

[WCPO](#) [10/4/2018 6:58 PM, Staff, 102K, OH] reports that without a last-minute stay from a federal judge, two men who have lived in Greater Cincinnati for decades will soon be deported back to Mauritania, a West African nation where slavery remains widespread and "blasphemous speech" is punishable by death. Amandou Sow and Mody Sou-Mare were both in Immigration and Customs Enforcement custody Thursday evening. Sow, whose wife and five children live in Cincinnati, refused to board a plane back to Mauritania on Wednesday.

[AZ] 164 Migrants Arrested in 5 Hours at Arizona Border

[Breitbart](#) [10/4/2018 10:11 AM, Bob Price, 2213K] reports that Yuma Sector Border Patrol agents apprehended 164 migrants during a five-hour period Tuesday night and Wednesday morning. The sector is witnessing an increase of illegal border crossings – primarily consisting of family units and unaccompanied minors. Yuma Station agents came upon two "huge groups" of migrants during a five-hour period that began shortly before midnight on Tuesday and ended a few hours later. The discoveries led to the arrest of 164 illegal immigrants in a small section of the border just west of the San Luis port of entry, according to Tucson Sector Border Patrol officials. In the first incident, the agents found a group of 108 who crossed the border illegally about a half-mile west of the San Luis port of entry, officials stated. The incident occurred shortly before midnight Tuesday. The agents reported the group's composition as mostly family units and unaccompanied minors from Central America.

About five hours later, agents came upon another group of 58 wishing to surrender to authorities. This incident occurred in about the same area during early morning hours Wednesday. Officials reported that 88 children crossed the border with 76 adults. The children ranged in age from 3 months to 17 years. Eight of the migrants came to the U.S. from Honduras while 156 traveled from Guatemala. The 164 migrants will be processed for immigration violations under Yuma Sector guidelines, officials reported. The number of migrant families making the dangerous trek to illegally cross the border from Mexico into the Arizona desert nearly doubled from FY2017 to FY2018, Breitbart Texas reported.

[CA] Fourth victim dies from L.A.-area attacks on mostly homeless men

[CBS](#) [10/4/2018 6:21 AM, Staff] reports that a fourth man has died from injuries suffered during a string of brutal attacks on mostly homeless men in the Los Angeles area, CBS Los Angeles reports. Authorities say the victim was violently beaten in the early morning hours of Sept. 24 while sleeping on a Santa Monica sidewalk. He'd been in a coma since the attack and died Sunday, Santa Monica Police Lt. Saul Rodriguez says. Suspect Ramon Escobar, 47, was arrested that same day, Sept. 24, for that attack and six others in downtown L.A. and Santa Monica dating back to Sept. 10. Authorities say he's been deported from the U.S. at least six times. Escobar is facing three counts of murder, five counts of attempted murder and four counts of second-degree robbery. Santa Monica say they'll ask for an additional murder charge to be filed against Escobar for the Sept. 24 attack. Escobar also remains a person of interest in the disappearance of his aunt and uncle in Houston, siblings Roy and Dina Escobar.

Escobar is an El Salvador native who was deported to that country six times between 1997 and 2011, according to U.S. Immigration and Customs Enforcement. ICE says he was also ordered deported by a federal immigration judge in February 1988, according to ICE. He

has six felony convictions for burglary and illegal reentry, ICE said. In 1995, Escobar was sentenced in Harris County, Texas, to five years in prison on charges of auto burglary. According to the Texas Department of Criminal Justice, he was paroled in 1997 with an ICE detainer and then immediately deported, the first of his six deportations.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS
www.TechMIS.com

Tuesday, Oct. 9, 2018

Executive Office for Immigration Review

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Executive Office for Immigration Review

Here's an explanation about why there's a backlog of immigration cases

[KERA News](#) [10/5/2018 3:40 PM, Shefali S. Kulkarni and David Conrad, 10K, TX] reports that the recent wave of migrants crossing the U.S.-Mexico border tests any already overwhelmed U.S. judicial system. Many Central Americans crossing the southern U.S. border are hoping to avoid violence back home. According to the Executive Office of Immigration Review, which handles immigration courts and receives these requests, courts are so backlogged, that some migrants are waiting until 2018 to have their case heard. This means that immigration judges are working with major caseloads – around 1,400 cases per judge. To solve this judicial crisis, the White House recently proposed a \$3.7 billion plan that

tackles this influx of migrants, with funding to various government departments. Pending Congressional approval, part of this funding would allow the Department of Justice to hire more immigration judges to ease their case load and to quickly go through these immigration cases.

Policy and Legislative News

Judge: Trump administration can't tie funding to immigration

[Washington Post](#) [10/5/2018 6:38 PM, Sudhin Thanawala] reports that a U.S. judge in California struck down an immigration law Friday that the Trump administration has used to go after cities and states that limit cooperation with immigration officials. The ruling by Judge William Orrick also directed the U.S. Department of Justice to give California \$28 million that was withheld over the state's immigration policies. It was at least the third decision by a U.S. district court judge in recent months declaring the immigration law unconstitutional. However, none of the three rulings immediately invalidated enforcement of the law nationwide. The law at issue forbids states and cities from blocking officials from reporting people's immigration status to U.S. authorities.

[Reuters](#) [10/5/2018 6:37 PM, Tom Hals] reports that while Judge Orrick found that the conditions placed last year on public safety grants by U.S. Attorney General Jeff Sessions were unconstitutional, he stayed a nationwide injunction pending appeal. The grant conditions required recipients to provide Immigration and Customs Enforcement agents access to jails and prisons, provide notice when detainees were being released and certify that information was being shared with federal authorities. California Attorney General Xavier Becerra sued the administration in August 2017. The state argued that putting the conditions on the \$28 million in federal funds it expected would undermine law enforcement and deter police cooperation by immigrants, a major population in the state.

Reported similarly:

[The Hill](#) [10/5/2018 3:56 PM, Lydia Wheeler, 3846K]

[FOX News](#) [10/6/2018 10:35 AM, Matt Richardson]

[News 5 Cleveland](#) [10/6/2018 11:05 AM, Sebastian Martinez, 67K, OH]

Trump lowers refugee goal to 30,000, he must meet it

[The Hill](#) [10/8/2018 4:45 PM, Larry Yungk and Wilmot Collins, 3846K] reports that the final refugee admissions number that set the goal for the new fiscal year at only 30,000 was signed by President Trump Thursday with little fanfare and hardly any media attention. If the administration meets this historically low number, the "most generous nation in the world" will have resettled just .001 percent of the 24.5 million refugees that the United Nations has identified as in need of protection. Unfortunately, over the last year we have seen the opposite of progress when it comes to refugee processing and security clearances. The essential work of vetting refugees has slowed to a trickle and the cases of thousands of refugees remain in bureaucratic limbo. The Trump administration has often raised security concerns to justify these repeated delays. These excuses ring hollow considering that refugees were already the most vetted individuals entering the U.S. even before the administration's "extreme vetting" procedures were put in place. Secretary of State Mike Pompeo and Homeland Security Secretary Kirstjen Nielsen also point to asylum-seekers arriving in the U.S. as a reason that less can be done to process refugees abroad waiting for resettlement.

AP Investigation: Deported parents can lose custody of kids

[Washington Post](#) [10/9/2018 6:15 AM, Garance Burke and Martha Mendoza] reports that as the deportees were led off the plane onto the steamy San Salvador tarmac, an anguished Araceli Ramos Bonilla burst into tears, her face contorted with pain: "They want to steal my daughter!". It had been 10 weeks since Ramos last held her 2-year-old, Alexa. Ten weeks since she was arrested crossing the border into Texas and U.S. immigration authorities seized her daughter and told her she would never see the girl again. What followed – one foster family's initially successfully attempt to win full custody of Alexa – reveals what could happen to some of the infants, children and teens taken from their families at the border under a Trump administration policy earlier this year. John Sandweg, who headed U.S. Immigration and Customs Enforcement under the Obama administration, said he worries that many more migrant children recently taken from their families may never see them again.

Judge Appoints Monitor to Ensure Safe Conditions for Kids in Immigration Custody

[KQED](#) [10/5/2018 8:34 PM, Tyche Hendricks, 194K, CA] reports that a federal judge in Los Angeles named an independent monitor Friday to oversee conditions for children being held in immigration custody. The move came after U.S. District Judge Dolly Gee found that the federal government was not complying with the Flores Settlement Agreement, a federal consent decree that sets standards for the care and treatment of migrant children. Gee named former U.S. Attorney Andrea Sheridan Ordin to monitor compliance with the court's orders. Ordin is now empowered to conduct unannounced inspections of shelters and detention centers, where the court found some minors have been subject to frigid and unsanitary conditions, drugged without consent and denied information about legal services.

Major issues in carrying out family separation policy detailed in Homeland Security report

[ABA Journal](#) [10/5/2018 9:45 AM, Lorelei Laird, 55K, IL] reports that two reports from the U.S. Department of Homeland Security's Office of the Inspector General released this week were highly critical of how the agency handled child and adult immigrants in custody in Texas and California. One report faulted DHS for poor planning and communication, violation of the law and indifference to the feelings of separated families, the Washington Post reports. In reviewing the agency's behavior in June during unannounced visits in Texas, the IG's report found that at least 860 minors were left in U.S. Customs and Border Protection holding cells for longer than the 72-hour maximum required by law. The Homeland Security IG also issued a report about the Adelanto, California, ICE Processing Center, a major detention facility for adults about 85 miles northeast of Los Angeles. A surprise inspection of the facility-run by the GEO Group, a private prison company – in May found significant health and safety risks. Nathalie Asher, executive associate director of ICE's Enforcement and Removal Operations, told USA Today that she was "concerned" about the findings, adding that the treatment of detainees is "paramount." She said the Adelanto facility will undergo a more thorough inspection starting next Wednesday.

Additional reporting:

[Dallas Morning News](#) [10/7/2018 3:00 AM, Staff, 496K, TX]

[Austin American-Statesman](#) [10/5/2018 4:28 PM, Editorial Board, 145K, TX]

[KVEO](#) [10/5/2018 9:08 AM, Alfredo Cuadros, TX]

[Las Cruces Sun-News](#) [10/7/2018 8:01 AM, Staff, 11K, NM]

Public charge rule is a cruel attack on children

[The Hill](#) [10/6/2018 11:30 AM, Drs. Kimberly Mukerjee, Irwin Redlener and Elizabeth Goodman, 3846K] reports that the Trump administration marked this year's first day of fall with an outrageous new proposal, titled "Inadmissibility on Public Charge Grounds," that will further harm already vulnerable immigrant children and families. For the first time in our country's history, an immigrant's use of public benefits programs like Medicaid, food stamps and Section 8 housing, may become an important criterion of their green card and visa eligibility. Previously, applicants were only at risk of being deemed a "public charge" if they received cash welfare or aid for long-term health care. The new rule would discriminate much more severely against applicants by broadening the definition of "public charge" to include reliance on virtually any public assistance, including the Medicare prescription drug benefit program. The administration's continued attacks on immigrant families have sickened and destroyed the health and wellbeing of untold numbers of children.

Stricter screening splits anguished refugee families

[Washington Post](#) [10/8/2018 10:57 AM, Susannah George and Colleen Long] reports that Hadi Mohammed, who worked as a security guard for the U.S. military in Baghdad, says he was initially told his wife would be reunited with him and the boys within a month. The wait has now dragged on for more than a year as she goes through stricter screening imposed by the Trump administration. The U.S. admitted 22,491 refugees in the budget year that ended Sept. 30. That's one-quarter of the number allowed to enter two years ago and the lowest since Congress passed a law in 1980 creating the modern resettlement system. Last month, the cap was set even lower, at 30,000, for the new budget year. Secretary of State Mike Pompeo said at the time the U.S. remained "the most generous nation in the world when it comes to protection-based immigration" but that the government needed to work through a backlog of pending asylum cases and support efforts to resettle people closer to home, so they can eventually return.

Reported similarly: [New York Times](#) [10/7/2018 8:43 AM, Associated Press]

UN Agency Backs Challenge Of Stricter Asylum Guidelines

[Law360](#) [10/5/2018 5:46 PM, Nicole Narea] reports that the United Nations High Commissioner for Refugees has backed asylum seekers facing deportation in their D.C. federal court suit challenging U.S. Citizenship and Immigration Services' implementation of stricter criteria for asylum claims, saying the new policy runs counter to long-standing international human rights standards. The agency on Wednesday, Oct. 3, said that the new policies wrongfully bar many victims of violence committed by non-state actors from applying for asylum. It raises the already high burden of proof for asylum seekers to demonstrate that the government in their home country not only was "unable and unwilling" to intervene in the violence committed against them, but was completely helpless to do so or outright condoned it, the agency said. As such, the court should grant the plaintiffs in the suit summary judgment, it said.

"UNHCR has long held that violence perpetrated by non-state actors, including gang and domestic violence, may constitute persecution undergirding an asylum claim based upon membership in a particular social group," the brief states. "[T]he new policies have interpreted the refugee definition in a manner at variance with the United States' international obligations on a number of fronts." USCIS' July guidelines stem from U.S. Attorney General Jeff Sessions' June decision in "Matter of A-B-," a Board of Immigration

Appeals case he referred to himself. In that case, Sessions vacated a 2016 BIA decision and determined that asylum seekers trying to prove they had been persecuted at the hands of a private actor must demonstrate that their government either "condoned the private actions or demonstrated an inability to protect the victims."

Crackdown at U.S.-Mexico border shows asylum system in crisis

[UPI](#) [10/8/2018 3:37 PM, Patrick Timmons, 303K, DC] reports that after a dramatic six months of vigorous immigration enforcement at the Mexico border, U.S. Customs and Border Protection is expected soon to release the full fiscal year's border apprehension statistics. Projected numbers, said Everard Meade, director of the Trans-Border Institute at the University of San Diego, show about 370,000 people were apprehended at the southwestern border in the year ending Sept. 30. That would be down from a high of 1.6 million in 2000. "We're down to a quarter from peak," Meade said. Jessica Vaughan, director of policy studies for the Center for Immigration Studies, does not see a declining total number of immigrants crossing the border as a sign of the U.S. government's success. "The border is still broken in many places and most definitely in crisis," Vaughan said. Meade said the border is organized around the logic of deterrence, and this means "the whole system seems designed to prevent people such as asylum seekers from being able to access it." The United States spends around \$20 billion a year on border enforcement, Meade said, but only a fraction on adjudicating asylum seekers' claims. The Department of Justice Executive Office of Immigration Review requested \$428.2 million in fiscal 2017. EOIR runs the nation's immigration court system, including the adjudication of asylum claims.

More Haitians arriving in Tijuana from Venezuela

[San Diego Union-Tribune](#) [10/5/2018 2:45 PM, Kate Morrissey, 320K, CA] reports that as leaders in the Western Hemisphere debate how to handle the growing crisis in Venezuela, Haitians who had been living in the country are arriving in Tijuana with plans to ask for help in the U.S. About 60 new arrivals are staying at Templo Embajadores de Jesus, an evangelical church in Tijuana's Canon del Alacran, according to pastor Gustavo Banda. Though the numbers are nowhere near as high as they were when Haitians were arriving en masse from Brazil in 2016, Banda said he expects more in the coming weeks.

With an economy in tatters and a regime determined to crush dissent, Venezuela has seen a mass exodus in recent years that some have said rivals that of Syrian and Rohingya refugees. President Donald Trump has repeatedly condemned the situation in Venezuela and suggested the U.S. may take more direct action there. The majority of those fleeing end up in neighboring South American countries like Colombia or Brazil though some choose to come to the U.S. The San Ysidro Port of Entry has seen the number of Venezuelans asking to come in more than double in the last couple of years.

NPR: Agency Prepares Asylum-Fraud Cases Against 2,000 Chinese Migrants

[Breitbart](#) [10/5/2018 10:35 AM, Neil Munro] reports that homeland security officials are investigating 3,500 Chinese migrants who used fake stories to win asylum in the United States and 10,000 of their chain-migration relatives who subsequently migrated into the United States. An NPR report quotes an unidentified Chinese migrant — identified as "Lawrence" — who helped prosecutors in 2012 target the initial group of immigration lawyers and aides. But Lawrence is now refusing to help officials prepare deportation cases against thousands of the Chinese asylum recipients: "Because targets are different," he

says. "Those Chinese immigrants — those clients ... their attorney just tell lie to them, to do that." The way Lawrence tells it, he is fighting a larger battle now against government agencies that are mixing up what is legal with what is right. He wants no part in helping the government use the letter of the law to strip asylum from people who won it years ago — even if that means he has to remain in hiding. According to Lawrence, DHS asked him in 2017 to help resolve more than 2,200 cases.

NPR also spoke to Zhenyi Li, one of the 3,500 migrants who invented a story of persecution to win asylum and citizenship. NPR reported: In December 2016, more than five years after winning asylum, Li ... got a piece of mail from USCIS. It read: "Notice of Intent to Terminate Asylum Status." Officials declined to tell Breitbart News if they plan to repatriate the 3,500 fraudsters or the extra 10,000 beneficiaries of fraud. But officials provided a statement saying: Post-conviction review of potentially impacted cases is integral to the integrity of the immigration process. We will continue to combat fraud it wherever it manifests. Officials also described the legal process for revoking asylum. "On a case by case basis and in consultation with Immigration and Customs Enforcement (ICE), a determination is made whether to file a motion to reopen on individual cases before the Department of Justice, Executive Office for Immigration Review," said the agency statement.

U.S. Campaign Against Migration Goes Unheard, or Unheeded, in Guatemala
[New York Times](#) [10/7/2018 6:25 PM, Ron Nixon, 25617K] reports that thousands of Guatemalans have ignored a messaging campaign of billboards and radio and TV ads by the American and Guatemalan governments that warn against the dangerous journey to the United States. Thousands of people, including entire families, have made the trek north seeking work and a better life from the western highlands of Guatemala — a remote, rural and impoverished area, with a largely Mayan-speaking indigenous population. Over the past year, 42,757 Guatemalans traveling as families were either apprehended or otherwise stopped at the United States border with Mexico, according to Customs and Border Protection data. They accounted for nearly half of all migrants who sought to enter the United States with their relatives. And the numbers have been on the rise. Two years ago, just under one-third of families stopped at the border were Guatemalan.

Alarmed by the influx of thousands of Guatemalans at the border, American officials have begun to search for more effective ways to stem the flow of the migrants. In late September, Kevin K. McAleenan, the commissioner of Customs and Border Protection, traveled to Guatemala, Honduras and El Salvador — the three countries that make up the bulk of the migrants apprehended at the southwestern border. In Guatemala, he met with government officials and leaders of businesses and indigenous communities. He said law enforcement alone could not stop the migration of tens of thousands of Guatemalans attempting to illegally enter the United States. He reminded them that illegally crossing the American border is a crime, and warned of smugglers who have misled desperate migrants by assuring them that they can remain in the United States if they arrive as families.

[MA] ICE agents blaming sanctuary cities for enabling criminals
[Boston Herald](#) [10/6/2018 6:03 AM, Joe Dwinell, 179K, MA] reports that federal ICE agents are slamming Bay State sanctuary cities for not cooperating in deportations and allowing dangerous criminals to strike again — including some just swept up in a major fentanyl bust in Lawrence. "Not cooperating with federal immigration enforcement only poses a greater public safety risk," said Todd Lyons, acting field office director for Immigration and Customs

Enforcement. "This path," he told the Herald last night, "puts a community on a faster track of attracting criminal aliens who know they can victimize residents as well as the immigrant community with impunity." ICE said about a half-dozen of those arrested in a federal drug, firearm and illegal immigration sweep in Lawrence on Thursday are now being deported.

[TX] Honduran family reunited after 55 days of separation

[KGBT 4](#) [10/5/2018 12:23 PM, Clara Benitez, 12K, TX] reports that thousands of immigrant children have been separated here in the Valley, at the U.S.-Mexico border under the Trump administration's "zero tolerance policy." Since the president's executive order to reunite the children, several have yet to be returned with their family. Five-year-old Helen Nohemi of Honduras was taken away from her grandmother when they tried to cross illegally into the country to seek asylum. Fifty-five days later, Nohemi was finally reunited with her mother and grandmother. "One of the most painful and inhumane policy established by the Trump administration has been zero tolerance," said Juanita Valdez-Cox, executive director for LUPE. Nohemi was taken away from her grandmother in July after trying to enter the country illegally.

[AZ] Backlog leads to surge in border asylum wait times, mass release of migrant families

[AZ Central](#) [10/8/2018 9:19 PM, Rafael Carranza, 665K, AZ] reports that migrant rights groups said a massive backlog in the processing of migrant families detained at the Arizona-Mexico border has created a nearly three-week waiting period for asylum seekers in Nogales. That has forced federal immigration officials to release large numbers of families into southern Arizona over the weekend. U.S. Immigration and Customs Enforcement – which takes custody of migrants after they've been processed by CBP – said they were unaware of any backlogs, but they acknowledged challenges with the greater number of families arriving at the border. "After decades of inaction by Congress, the government remains severely constrained in its ability to detain and promptly remove families that have no legal basis to remain in the United States," ICE spokesperson Yasmeen Pitts-O'Keefe said. "As a result, family units continue to cross the border at high volumes and are likely to continue to do so, as they face no consequence for their actions." Pitts-O'Keefe said she was unable to provide the total number of families that were released from ICE custody over the weekend.

Reported similarly: [Arizona Daily Star](#) [10/8/2018 11:00 PM, Perla Trevizo, 98K, AZ]

[AZ] Surge in releases of migrant families being seen in Tucson, southern Arizona

[Arizona Daily Star](#) [10/8/2018 10:38 AM, Perla Trevizo, 98K, AZ] reports that hundreds of migrant families — many apprehended in huge groups along the Arizona border with Mexico — have been released over the weekend by the Border Patrol, officials say. Because there's limited bed space for families, parents who pose no security risk are released with their children. They must provide the address of their U.S. destination, and are required to report to a local immigration officer near that destination within a couple of weeks to continue the processing of their case.

[AZ] ICE Releasing Large Numbers Of Immigrant Families To Arizona Churches

[Fronteras Desk](#) [10/8/2018 5:38 PM, Michel Marizco and Matthew Casey, 1K, AZ] reports that the federal government quietly started releasing hundreds of undocumented immigrant families into the United States this past weekend, and social workers across Arizona

described a chaotic process that started on Saturday. Rather than turn people loose, the organization, and others in Tucson and Phoenix, worked with U.S. Immigration and Customs Enforcement to release families to the churches before they are set free to await immigration court hearings in the U.S. In the Valley, Pastor Magdalena Schwartz said ICE reached out to her on Friday to ask for help making sure newly released immigrant families had somewhere to go while they wait to connect with relatives. About 50 families, mostly from Central America, came to her church over the weekend, Schwartz said. ICE did not tell her how many people will be released. "All that they said, it's a lot," Schwartz said.

[12 News](#) [10/9/2018 5:12 PM, Staff, 47K, AZ] reports that late Monday evening ICE released dozens of immigrant families at Shadow Rock United Church of Christ in North Phoenix. Church representatives say close to 100 families are staying at the church. [Editorial note: consult source link for video]

[ABC 15](#) [10/9/2018 9:03 PM, Max Walker, 163K, AZ] reports that the move comes as ICE releases several hundred people in Arizona as the agency seeks to comply with legal restrictions on the length of time people seeking to enter the U.S. may be held at detention centers. "[T]he government remains severely constrained in its ability to detain and promptly remove families that have no legal basis to remain in the United States," an ICE spokesperson said in a statement. "In light of the incredibly high volume of [people] presenting themselves along the Arizona border, ICE no longer has the capacity to conduct these reviews," the spokesperson said. ICE said determinations about who to release are made on a case-by-case basis and safety is the agency's highest priority.

[AZ] Staff fired, Arizona child immigrant facility suspended over abuse claims, HHS says

[12 News](#) [10/8/2018 11:28 AM, Jessica De Nova, AZ] reports that a Southwest Key facility housing immigrant children in the West Valley has suspended operations after allegations of physical abuse "involving" staff members and detained children, government officials have confirmed. Youngtown's Hacienda Del Sol suspended operations, Southwest Key confirmed Friday, but the reason for the suspension was unclear until a statement from the U.S. Department of Health and Human Services (HHS) specified allegations involving staff and three children. The statement did not specify what happened during the incident or whether the staff is accused of abusing the children. HHS officials said the staff members in question had been terminated and all of the children at Hacienda Del Sol had been relocated to other facilities by Sept. 28, 10 days after the facility stopped receiving children. The abuse allegedly occurred in mid-September, the statement said.

HHS did not identify the staff members in question or say how many were involved in the accusations. The statement did not say whether any of the staff will face criminal charges, but it did say that it is the Office of Refugee Resettlement's (ORR) policy to report allegations to law enforcement and all relevant licensing bodies. According to the Department of Health and Human Services: On September 18, 2018 the Office of Refugee Resettlement (ORR) in HHS' Administration for Children and Families (ACF) suspended placement of unaccompanied alien children (UAC) at the Southwest Key Programs facility Hacienda del Sol in Youngtown, Arizona. This action came as a result of physical abuse allegations involving staff members from this facility and three UAC. The incidents in question occurred in mid-September and were reported to ORR, Arizona Department of Child Safety, and the Arizona Department of Health Services as required by ORR policy. Southwest Key Programs terminated the employment of the staff members involved.

[OR] Oregon sanctuary law faces repeal

[Union-Bulletin](#) [10/8/2018 1:53 PM, Antonio Sierra, 11K, WA] reports that a 31-year-old state law prevents state and local law enforcement from using resources to enforce federal immigration law if a person's only crime is his or her legal status, but a measure on the November ballot looks to change that. In August, Umatilla County Sheriff Terry Rowan signed onto a public letter written by Clatsop County Sheriff Tom Bergin supporting Measure 105, which would repeal Oregon's "sanctuary state" law. "If a person is illegally here, I'm not even worried about that," Rowan said in an interview at the time. "But what I am worried about are those who are here illegally and who commit local crimes ... That is the population that we're trying to get at."

Reported similarly: [East Oregonian](#) [10/5/2018 11:15 PM, Antonio Sierra, 5K, OR]

[CA] L.A. immigrant who spent six months in detention describes harsh conditions at Adelanto facility

[Los Angeles Times](#) [10/8/2018 5:00 AM, Andrea Castillo, 3575K] reports that from his cell at the Adelanto immigration detention facility on July 11, 2017, Romulo Avelica Gonzalez scrawled out a journal entry on lined notebook paper. "Another person hanged himself," he wrote in Spanish. "Lost asylum." It was one of five suicide attempts over the course of eight months at the facility that houses nearly 2,000 detainees. Four months earlier, a Nicaraguan man had been found hanging in his cell from his bed sheets. And so Avelica, 49, said he wasn't surprised by the news that federal officials who turned up for an unannounced inspection in May had discovered significant health and safety risks. Inspectors said Immigration and Customs Enforcement had violated its own national detention standards, including prohibiting detainees from hanging or draping objects from any fixtures or furniture. Lori Haley, an ICE spokeswoman, said immigration officials take the findings seriously and "agreed to conduct a full and immediate review of the center to ensure compliance with detention standards and expedite necessary corrective actions." She said a contracted inspection firm is scheduled to examine Adelanto again this month.

Reported similarly: [KQED](#) [10/6/2018 6:53 PM, Farida Jhabvala Romero, 194K, CA]

Legal News

A High-Stakes Immigration Case Hits the Supreme Court

[The Atlantic](#) [10/8/2018 6:00 AM, Garrett Epps, 3976K, DC] reports that the stakes are higher in a Supreme Court case to be heard next Wednesday. *Nielsen v. Preap* may determine whether thousands of longtime residents of the U.S. face indefinite detention without a hearing. And as in *Frigalment*, the heart of the dispute is an everyday word: when. Does it mean "any time the government decides after a stated event, whether days, weeks, or years later" or "immediately upon the happening of the event"? These aliens can be detained and deported. There is no question that ICE agents can show up at their homes, arrest them, and hold them for removal proceedings. But does the "when" language mean they don't get a bond hearing? If a non-citizen has left prison and established a new life, did Congress in writing the statute really mean to deny that person the chance to show an immigration court that he or she will show up for a removal hearing, the way other "noncriminal" aliens can?

Additional reporting:

[Newsweek](#) [10/8/2018 2:38 PM, Alexandra Hutzler, 2126K]

[USA Today](#) [10/8/2018 5:31 PM, Alan Gomez, 8110K]

Federal judge blocks termination of immigrants' temporary protected status

[ABA Journal](#) [10/5/2018 10:13 AM, Lorelei Laird, 55K] reports that a San Francisco federal judge has blocked the Trump administration's move to terminate legal immigration status for about 300,000 people. U.S. District Judge Edward M. Chen of the Northern District of California issued a preliminary injunction stopping the government from canceling temporary protected status for people from El Salvador, Haiti, Nicaragua and Sudan. As the Washington Post, reported Oct. 4, Chen found evidence that the Trump administration lacked "any explanation or justification" and in public statements had created "serious questions as to whether a discriminatory purpose was a motivating factor." In his preliminary injunction in Ramos et al. v. Nielsen, Chen cites internal messages within the government and President Donald Trump's statements suggesting that Mexican immigrants are rapists, Haitians "all have AIDS" and African nations are "shithole countries." Chen writes that the plaintiffs "have raised serious questions" whether the administration's decision to cancel a slew of TPS programs "was influenced by the White House and based on animus against nonwhite, non-European immigrants in violation of Equal Protection guaranteed by the Constitution. The issues are at least serious enough to preserve the status quo."

Reported similarly:

[Houston Public Media](#) [10/5/2018 5:13 PM, Associated Press, 23K, TX]

[Nevada Independent](#) [10/5/2018 2:20 PM, Luz Gray and Michelle Rindels, NV]

[Pacific Standard](#) [10/5/2018 9:00 AM, Massoud Hayoun, 110K, CA]

Immigrants Say Court Ruling is a Big Shot of Adrenaline

[WNYC](#) [10/8/2018 5:47 PM, Arun Venugopal, 122K, NY] reports that a busload of immigrants, calling themselves the TPS Journey 4 Justice Caravan is traveling across the country to raise awareness about Temporary Protected Status, or TPS. The group set off from Los Angeles in August but by the time it landed in New York this weekend, something had changed: a federal judge had blocked the Trump administration's attempt to end TPS for immigrants from Haiti, El Salvador, Nicaragua and Sudan, saying it was racially motivated and would cause irreparable harm to children. One of the passengers, Cecilia Martinez, is a TPS recipient from Long Island who said after learning of the ruling, she was "screaming, crying for two hours. Because it's a light of hope in all this darkness."

[NY] Migrant Children in Search of Justice: A 2-Year-Old's Day in Immigration Court

[New York Times](#) [10/8/2018 8:09 PM, Vivian Yee and Miriam Jordan, 25617K] reports that this afternoon in New York immigration court, Judge Randa Zagzoug had nearly 30 children to hear from, ages 2 through 17. Fernanda Jacqueline Davila, 2, was No. 26. Judge Zagzoug came to the bench in 2012, around the time children started showing up by the thousands at the border on their own, mostly from Central America. Now that immigration controls have stiffened in response, more children than ever are in government custody, for far longer than they ever have — weeks turning to months in shelters that were never meant to become homes. The result is a new wave of children in the immigration courts across America. Though the exact figures are not known, lawyers who work with immigrants said the large number of migrant children now being held in detention has given rise to a highly unusual situation: more and more young children coming to court. "We rarely had

children under the age of 6 until the last year or so," said Ashley Tabaddor, president of the National Association of Immigration Judges. "We started seeing them as a regular presence in our docket."

[NY] Federal government drops appeal against release of pizza deliveryman

[NY1](#) [10/5/2018 5:35 PM, Staff, NY] reports a big victory for the Ecuadorean pizza delivery man who faced deportation. The federal government has decided to drop its appeal of the stay of deportation for Pablo Villavicencio. He was detained at Fort Hamilton Army Base by Immigration and Customs Enforcement back in June when he tried to deliver food. On Tuesday the government announced they'd filed the appeal. ICE officials said Villavicencio ignored a deportation order issued in 2010 after entering the country illegally. He was released from ICE custody on July 24. The government had 90 days to file an appeal, which they did earlier this week. It's not clear why they decided to reverse it. [Editorial note: consult source link for video]

The [New York Post](#) [10/5/2018 10:50 PM, Kaja Whitehouse, 4882K, NY] reports that the Hempstead, LI, resident became a cause celebre in the immigration debate after he was ordered deported following an unusual background check during a food delivery found he had been ordered removed from the U.S. in 2010. But a Manhattan federal judge ordered the father of two released after learning that Villavicencio was nabbed while going through a process established by the Department of Homeland Security to override his order of removal. The judge blasted ICE for seeking to deport Villavicencio while he was going through the proper "pathway" toward citizenship.

Reported similarly:

[New York Daily News](#) [10/5/2018 4:35 PM, Leonard Greene, 1842K, NY]

[NY1](#) [10/5/2018 4:00 PM, Staff, 51K, NY]

Enforcement News

An ICE Memo Lays Out The Differences Between Trump And Obama On Immigration Enforcement

[BuzzFeed](#) [10/8/2018 3:09 PM, Hamed Aleaziz] reports that attorneys for Immigration and Customs Enforcement were restricted from granting reprieves for certain immigrants facing deportation, ordered to review and potentially reopen previously closed cases, and told that nearly all undocumented immigrants were priorities for deportation, according to a previously unreleased memo obtained by BuzzFeed News. The memo, which was issued Aug. 15, 2017, and obtained through a Freedom of Information Act request, provided a roadmap for how ICE attorneys were to prosecute cases under the Trump administration. It was written by Tracy Short, ICE's principal legal adviser and head of the attorneys who handle deportation cases in court. While immigration lawyers had long reported anecdotally that such changes had taken place in the courtroom, the memo is the first detailed explanation of how government attorneys were told to handle deportation cases and how to implement Trump's executive order on immigration enforcement issued Jan. 25, 2017. "Prosecutorial discretion is an act of administrative leniency, it is not an entitlement," Short wrote.

Under the Obama administration, ICE attorneys were encouraged to request the dismissal or indefinite suspension of deportation cases of immigrants who were not serious criminals

or national security threats. To do so, the administration directed ICE attorneys to look for qualifying cases and encouraged immigration attorneys to email ICE with requests for "prosecutorial discretion." Obama administration officials believed their approach would focus ICE's limited resources on those unauthorized immigrants with the worst criminal records, as opposed to those who were largely contributing members of society. Short's memo told attorneys they were no longer required to check the email inbox used to receive requests for leniency from immigration attorneys. Short also wrote that ICE attorneys could consider prosecutorial discretion for immigrants in certain circumstances, such as a relative of a military member, has an obvious claim to status, has an "extraordinary humanitarian factor," or is an asset to state or federal law enforcement. Even then, ICE attorneys must receive written approval from senior leadership in Washington for such a request. Still, attorneys across the country have rarely seen immigrants granted reprieves, regardless of their circumstances, said Laura Lynch, senior policy counsel at the American Immigration Lawyers Association.

Previously Deported Illegal Alien Allegedly Murders 5 After Mistakenly Released

[Breitbart](#) [10/5/2018 6:38 PM, John Binder, 2213K] reports that the families of Americans allegedly murdered by a previously deported illegal alien – accused of killing five Americans – have had their lawsuit against the federal government dismissed by a federal judge. Pablo Serrano-Vitorino, a 40-year-old illegal alien from Mexico, has been accused of murdering five Americans in a two-state shooting spree that spanned across Kansas and Missouri. Following the alleged murders, the families of the American victims filed a lawsuit against the federal government after they say the illegal alien was wrongly released from federal custody. In 2015, the Immigration and Customs Enforcement agency was made aware that the illegal alien had re-entered the country after being deported in 2004 for a string of violent crime charges. ICE accidentally issued a detainer at the wrong sheriff's office and Serrano-Vitorino was subsequently released from local custody rather than being handed over to federal immigration officials. Following his release is when he allegedly shot and killed five Americans. Serrano-Vitorino has been hit with four first-degree murder charges and he awaits trial.

[NY] Illegal immigrant charged in New York with vicious rape of woman: police

[FOX News](#) [10/7/2018 12:10 PM, Robert Gearty] reports that an illegal immigrant was charged with allegedly "viciously" raping a woman on Long Island for an hour after following her home and knocking her out, officials said. Ever Martinez-Reyes, 24, a native of El Salvador, was ordered held without bail at an arraignment Saturday on rape, sexual assault, and assault charges. The Nassau County District Attorney Madeline Singas said the Sept. 28 rape was "one of the most brutal" she has ever seen, Newsday reported. Martinez-Reyes had been living in the United States illegally and worked for a landscaping company on Long Island, WABC-TV reported. He first entered the country illegally from El Salvador in 2010 before he was deported, according to the station. He snuck back into the U.S. in 2014.

[Breitbart](#) [10/8/2018 7:00 PM, John Binder, 2213K] reports that the alleged assault and rape occurred in the sanctuary city of Nassau County, which refuses to turn criminal illegal aliens over to the Immigration and Customs Enforcement agency for deportation. Martinez-Reyes has previous convictions, but Nassau County's sanctuary city laws have protected him from being turned over to ICE agents for deportation. Should Martinez-Reyes be released at any time, he will not be turned over to ICE, as Nassau County shields criminal illegal aliens from deportation.

Reported similarly:

[News 12 Long Island](#) [10/6/2018 4:59 PM, Staff, 6K, NY]

[ABC 7 NY](#) [10/6/2018 2:35 PM, Naveen Dhaliwal, NY]

[WFMZ-TV](#) [10/7/2018 11:52 AM, Staff, 55K, PA]

[NBC 4 Columbus](#) [10/7/2018 1:42 PM, Staff, 94K, OH]

[NJ] Rape victim being held in NJ immigration jail, report says

[Jersey Journal](#) [10/8/2018 2:20 AM, Patrick Villanova, 965K, NJ] reports that a Jamaican woman who illegally reentered the country to flee an uncle who raped her has been in ICE custody at Hudson County jail for a year and a half, according to The New York Daily News. The woman, a New York City resident, said she was raped and tortured by her uncle in Jamaica for months in 2008. She reentered the United States around 2011 after being deported twice because she heard her uncle was looking for her in Jamaica, The Daily News reported. A mother of two, the woman was arrested at her home in May 2017 as part of a roundup of illegal immigrants. She currently awaits court proceedings in New York, where there is a backlog of thousands of immigration cases, according to the paper.

[VA] Charlottesville Church provides sanctuary to woman ICE is trying to deport

[WUSA 9](#) [10/8/2018 7:03 PM, Peggy Fox, 51K, DC] reports that a church in Virginia is taking a stand on immigration. It is publicly declaring that it is providing sanctuary for a woman ICE is trying to deport. Maria Chavalan Sut has a lot to smile about. Some 20 organizations have embraced her and are now helping Wesley Memorial United Methodist Church in Charlottesville, protect her from ICE and deportation. "ICE failed to give her notice of her court date, on her notice to appear, and, as a result, she had no idea when her court date was. The law requires ICE to put a date and time on a notice to appear, but in this case, like in tens or thousands of others, ICE failed to do that. And as a result, Maria was ordered removed in absentia, because she had no idea when to appear," said Maria's attorney Alina Kilpatrick.

Reported similarly:

[Daily Progress](#) [10/8/2018 9:27 PM, Allison Wrabel, 37K, VA]

[NBC 29](#) [10/8/2018 2:12 PM, Meghan Moriarty, 22K, VA]

[GA] West Rome man facing child molestation charge

[Rome News-Tribune](#) [10/5/2018 12:16 PM, Doug Walker, 9K, GA] reports that a West Rome resident is facing multiple charges of a sexual nature after a child came forward to detail acts that are alleged to have occurred six years ago. According to Floyd County Jail reports: Saul Orozco Limon, 67, of 28 Ohio Drive was jailed Thursday after his arrest on warrants charging him with felonies for enticing a child for indecent purposes, sexual battery and child molestation. The acts are alleged to have occurred in June of 2012 and involved a child who was under the age of 13 at the time. Limon is being held in the Floyd County Jail without bond on the local charges and a hold for U.S. Immigration and Customs Enforcement.

[GA] Immigrant Detainee Called ICE Help Line Before Killing Himself in Isolation Cell

[The Intercept](#) [10/8/2018 12:00 PM, Spencer Woodman and Jose Olivares] reports that the young Panamanian man used to tell his fellow immigration detainees that he was the reincarnation of Julius Caesar. Sometimes he hallucinated voices instructing him to kill

himself. Things got so bad that Jeancarlo Alfonso Jimenez-Joseph, a 27-year-old ICE detainee, called a federal hotline on April 4, 2017, asking for help. Documents reviewed by The Intercept show that Jimenez-Joseph repeatedly brought his suicidal thoughts to the attention of officials at the rural Stewart Detention Center in Georgia, a private Immigration and Customs Enforcement detention center run by CoreCivic. Just six weeks after his call to ICE's help line, Jimenez-Joseph killed himself in a tiny solitary confinement cell where he had been held for 19 days.

A description of Jimenez-Joseph's complaint to the ICE hotline, which has not been previously reported on, was obtained by The Intercept through a Freedom of Information Act request. The record appeared in a brief accounting of important moments in the timeline leading up to Jimenez-Joseph's suicide compiled by the Department of Homeland Security's Office for Civil Rights and Civil Liberties, which looks into complaints regarding ICE's activities. The record of Jimenez-Joseph's call adds yet another key point in the grim chronology of his last months alive. In addition to sparking outcry from immigration advocates, Jimenez-Joseph's death has triggered a federal investigation headed by the Department of Homeland Security's Office of Inspector General, ICE said in response to a request for comment from The Intercept. An ICE spokesperson indicated that the federal investigation was ongoing, noting that at "whatever point the investigative findings from DHS OIG are publicly available, we'll address those findings at that time." "ICE holds its personnel, including contractors, to the highest standards of professional and ethical behavior, and the agency takes all allegations of misconduct seriously," an ICE spokesperson said in response to questions about Jimenez-Joseph's call to the ICE help line. "ICE will continue to monitor the situation and respond appropriately based on the outcome of investigative findings."

[FL] Husband Seeking U.S. Citizenship Arrested by ICE During Marriage Interview

[Newsweek](#) [10/7/2018 4:56 PM, Hannah Preston, 2126K] reports that a marriage interview at the U.S. Citizenship and Immigration Services offices in Miami came to an abrupt end when the husband was unexpectedly arrested by ICE. María Eugenia Hernández and Oscar Hernández waited three years for the interview portion of Oscar's citizenship application. Questioning came to a halt when María was asked to step out of the office. Twenty minutes later, she was told that her husband had a deportation order from long ago and had been arrested by ICE. "I went to the immigration appointment with a lot of confidence because it was an interview. I never imagined they would take my husband away under arrest," María told the Miami Herald. Though the marriage interview was a required portion of Oscar's citizenship application, those with pending deportation orders can legally be detained by the agency at "any time," according to an ICE spokesperson. "ICE will no longer exempt classes or categories of removable aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States," spokesman Nestor Yglesias told the Herald.

[MS] Three illegal aliens plead guilty to unlawfully reentering after prior removal

[Sea Coast Echo](#) [10/5/2018 2:17 PM, Staff, MS] reports that Daniel Martinez-Rodriguez, 42, Jorge Rios-Juaquin, 41, and Anastacio Compean-Galicia, 37, all illegal aliens from Mexico, pled guilty this week before U.S. District Judge Louis Guirola, Jr., to the federal crime of unlawful reentry by an alien after removal, announced U.S. Attorney Mike Hurst, and Mr. Trey Lund, Acting Field Office Director of Immigration and Customs Enforcement,

Enforcement and Removal Operations in New Orleans. All three men are scheduled to be sentenced by Judge Guirola on January 3, 2019. Each man faces up to 2 years imprisonment, not more than 1 year supervised release, and a maximum \$250,000 fine. Each also faces being removed from the United States by the Department of Homeland Security following the completion of any prison sentence.

[OH] Does slavery await father of 5 from Lockland fighting deportation back to Mauritania?

[Cincinnati Enquirer](#) [10/8/2018 10:49 PM, Mark Curnutte, 79K, OH] reports that Amadou Sow, 49, wants to be home. Instead, he is in federal custody in Morrow County, Ohio, and fighting deportation to his native Mauritania. Sow's clothing, shoes and other personal belongings fill the apartment where he lived for the past 12 years, comforting his wife and five children as much as they haunt them. Many of his possessions are exactly where he'd left them the morning of Aug. 22 when he drove to Columbus for a regular appointment with immigration officials. That's when U.S. Immigration and Customs Enforcement officers arrested him. Sow fled Mauritania because he was enslaved. He was beaten once for refusing to do the work his master demanded, Sow's lawyer said Monday. He also was beaten and jailed by the Mauritanian military before he was expelled from the country, she said. Sow said in his original asylum claim that he feared persecution, enslavement or death. It was denied, his family said, because of a technicality – he entered the country with a Senegalese passport. Since February 2017, a month after Trump's inauguration, ICE officials have repeatedly referred to the memorandum signed by former Homeland Security Secretary John Kelly that states "ICE will not exempt classes or categories of removal aliens from potential enforcement. All of those in violation of the immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States."

[IA] Two from Waterloo indicted on marriage fraud charges

[St. Joseph News-Press](#) [10/8/2018 11:34 AM, Jeff Reinitz, 11K, MO] reports that a Waterloo brother and sister have been charged with allegedly setting up a sham marriage to keep immigration officials from removing him from the United States. A grand jury indictment filed last week alleges Selmir Salkanovic, a 27-year-old Bosnian citizen, had overstayed his tourist visa 2017, and his sister, Salena Dedic, enlisted a U.S. citizen to marry him to help his immigration status. The indictment charges both with conspiracy to commit marriage fraud and Salkanovic with marriage fraud. Agents with the U.S. Marshals Service arrested the two on Thursday, and they both pleaded not guilty during an initial appearance in U.S. District Court in Cedar Rapids later that day. Authorities allege Salkanovic had failed to return to Bosnia when his B-2 travel visa expired in March 2015. He was processed at the Cedar Rapids Immigration and Customs Enforcement office for violating the visa terms in May 2017, and he was released after he agreed to leave the U.S. by June 18, 2017.

Reported similarly: [1540 KXEL](#) [10/8/2018 8:28 AM, Mark Morris, 1K, IA]

[TX] Cartel Hitman Deported from Texas to Face Trial in Mexican Border State

[Breitbart](#) [10/5/2018 10:37 AM, Ildefonso Ortiz and Brandon Darby, 2213K] reports that a hitman for the feared Los Zetas Cartel in Coahuila who hid in Texas was recently deported to face trial in Mexico. The man is responsible for leading a wave of terror and executions in Piedras Negras in late 2017. Known as "El Scarface," Jose Yobani Hernandez Sanches or "Jose Antonio Hernandez Rangel" is responsible for a series of gun battles and executions,

Breitbart Texas reported. In late September 2017, Scarface and a team of more than 10 gunmen targeted rival smugglers as part of a turf war. State police officers in Coahuila clashed with Scarface and his team on several occasions and arrested 10, including Scarface, on October 3, 2017, in Piedras Negras. The captured gunmen were soon released by Coahuila State Judge Maritza Gonzalez Flores who dismissed the charges. Breitbart Texas reported on several cases where Gonzalez Flores released cartel hitmen, distributors, and smugglers tied to Los Zetas' Cartel Del Noreste faction. The judge remains in office.

Days after his release, on October 22, 2017, Scarface and three gunmen were implicated in a double murder in Piedras Negras. After carrying out his ordered executions, Scarface crossed into Texas on November 11, 2017, near Del Rio. Information provided to Breitbart Texas by U.S. Immigration and Customs Enforcement revealed that U.S. authorities arrested Scarface on the same day he entered the country and a federal judge sentenced him to 90 days in prison for the charge of illegally entering. After completing his sentence, Scarface was turned over to ICE until his deportation in Laredo, Texas. Scarface remains behind bars in Piedras Negras, Coahuila, where he is awaiting trial on murder and organized criminal activity charges.

[TX] ACLU Asks What Role Sheriffs Played in ICE Raid; Officers Say None At All

[88.9 KETR](#) [10/5/2018 4:55 PM, Scott Morgan, TX] reports that the ACLU of Texas says it wants to know what roles two Northeast Texas sheriff's departments played in a late-August immigration roundup at a trailer manufacturing company in Lamar County. Law enforcement officials say there's nothing to find. [Editorial note: consult source link for audio]

[AZ] Mexican man hiding from border agents in drain pipe rescued minutes before drowning

[Washington Examiner](#) [10/5/2018 6:01 PM, Anna Giaritelli, 535K, DC] reports that the U.S. Border Patrol and first responders in southern Arizona rescued a Mexican man who was found stuck inside a drainage pipe near the U.S.-Mexico border Tuesday after he tried to hide from law enforcement, according to U.S. Customs and Border Protection. The Department of Homeland Security agency said the man was pulled to safety with little time to spare before he would have drowned in the water and mud flowing through the rising drain. A witness reported seeing a group of "possible illegal aliens" near Gila Bend, a town of 2,000 people about 40 miles southwest of Phoenix, though CBP did not share in its news release why the caller found the group suspicious. Agents arrived on the scene and helped keep the man's head above water until Gila Bend Fire and Rescue showed up. First responders were able to pull the man out of the pipe. CBP said the 36-year-old Mexican citizen had recently entered the country illegally. After he is released from the hospital, he will be turned over to U.S. Immigration and Customs Enforcement for deportation.

[NV] Rep. Kihuen, immigration activists seek answers after Nevada ICE sweep

[Las Vegas Review-Journal](#) [10/5/2018 7:06 PM, Meghan Delaney, 250K, NV] reports that a week after 102 undocumented Nevadans were arrested in a sweep by U.S. Immigration and Customs Enforcement agents, immigrants' rights activists say they're left with more questions than answers. The agency announced the arrests on Sept. 28 in a brief press release, saying that 67 people were arrested in Clark County, 24 in Washoe County, seven in both Humboldt and Elko counties and two in Carson City. Most of those arrested had prior criminal convictions, including "assault, battery, domestic violence, DUI, weapons

charges and drug violations," the release said. ICE did not provide a breakdown and declined to provide additional information to the Review-Journal. That leads some to question the severity of the crimes, said Michael Kagan, director of the UNLV Immigration Clinic. "The statement does not rule out the possibility that a large minority of the targets had no record of all, while others may have only misdemeanor records," he said.

The statement also doesn't rule out so-called "collateral arrests," where ICE agents targeting an individual with a criminal record take other undocumented immigrants living in the same household into custody even though they haven't committed a crime, Kagan said. But others argue that a criminal record shouldn't matter because being in the country without proper immigration documents is itself an unlawful act. Rep. Ruben Kihuen, D-Nevada, wrote a letter to ICE officials this week seeking clarification on the targets of the operation in response to a surge of calls from concerned constituents looking for help. In his letter to Robert Culley, the ICE field director officer in Salt Lake City whose jurisdiction includes Nevada, Kihuen listed a number of questions activists have been asking in the wake of the ICE release.

[NV] Immigration violations, possible sex trafficking found at Nevada brothels

[WHBL](#) [10/5/2018 8:05 PM, Dan Whitcomb, 4K, WI] reports that an investigation of three legal Nevada brothels owned by a reality TV star and candidate for the state legislature found immigration violations and indications of possible human trafficking, the county sheriff said. An inspection this week of the Bunny Ranch, Kit Kat Ranch and Love Ranch, all owned by Dennis Hof, capped a four-month probe by the Lyon County Sheriff's Office and U.S. Immigration and Customs Enforcement, Sheriff Al McNeil said in a statement. Hof, who appeared in the HBO reality TV show "Cathouse" about prostitutes at one of his brothels, won the Republican state primary in June for a seat in the Nevada assembly and is considered the favorite in the November general election. Hof denied any immigration violations or trafficking at the brothel and said the sheriff's department was responsible for screening prospective employees. "It's on the county, not us," Hof told Reuters.

Reported similarly:

[FOX 5](#) [10/8/2018 12:00 PM, Gabriella Benavidez, NV]

[Reno Gazette-Journal](#) [10/5/2018 1:24 PM, Amy Alonzo, 26K, NV]

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS
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Wednesday, Oct. 10, 2018

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Policy and Legislative News

Trump Administration Defends Plan to End Haitians' Special Immigration Status

[Bloomberg](#) [10/9/2018 1:26 PM, Erik Larson] reports that the Trump administration asked a judge to throw out a lawsuit over its plan to strip tens of thousands of Haitians of the immigrant status they got after an earthquake devastated the island nation in 2010, saying conditions have improved enough for their return. Temporary Protected Status, a humanitarian policy known as TPS, "is not tantamount to a grant of asylum, nor is it a grant of lawful immigration status," the U.S. said Tuesday in a filing in federal court in Brooklyn, New York, where two Haitian-affiliated groups have sued. A federal judge in San Francisco last week blocked the administration from stripping El Salvador, Honduras, Nicaragua and Sudan of their Temporary Protected Status, which recognizes that they are dangerous places to live due do natural disasters, drug epidemics or armed conflict. The U.S. said the decision to end TPS for Haitians was made after "extensive outreach" to community members in the U.S. and "significant steps" that Haiti has made since the earthquake. The plaintiffs, backed by attorneys general from more than a dozen states, say the plan would result in mass deportations of people who've established families, careers and businesses in the U.S.

The care of immigrant children in U.S. detention

[Washington Post](#) [10/9/2018 11:59 AM, Lynn A. Johnson] reports that the Oct. 2 editorial "The ongoing misery of separated children" criticized the Department of Health and Human Services for providing care to unaccompanied alien children after they illegally crossed our border. Our office identified contact information for parents of such children who were outside the United States. Our grantees who care for the children had already established regular contact with the families and have helped advocacy organizations make connections when they were unable to do so independently. Second, the children housed at our temporary shelter in Tornillo, Tex., have not been "warehoused ... without schools or other age-appropriate support." In contrast, each minor receives an individual bed; care and supervision; case management; counseling; access to legal services; medical care; three meals a day, snacks (including catered events and food trucks); recreation, including soccer, basketball, movies, arts and crafts, and board games; religious services; and private showers. Minors receive educational services from retired teachers and a school administrator using textbooks and workbooks in a study-hall format. This is far from the "cavalier cruelty" described in the editorial. Every minor in our care is treated with dignity and respect. The services provided are delivered in a compassionate and organized

manner while we work expeditiously to find a suitable sponsor. A solution is for Congress to fix our broken immigration system. Meanwhile, our office is not only following current law but also following our mission to care for children.

[Editorial note: Lynn A. Johnson is the Assistant secretary for children and families for the Department of Health and Human Services]

Children are collateral damage in battle against illegal immigration

[The Hill](#) [10/9/2018 6:00 PM, Carolyn Heinrich, 3846K] reports that it's "unconstitutional." This is what a federal district court judge said last week of efforts by Attorney General Jeff Sessions to penalize "sanctuary cities" in the United States for failure to fully cooperate with Immigration and Customs Enforcement. Still, states like Tennessee are rolling out their own laws that require local authorities to cooperate with ICE in detaining and removing undocumented immigrants. In the ongoing wrangling across different levels of government over control of immigration policy, we typically hear very little about the collateral damage experienced by children. Regardless of how you feel about the unauthorized parents, you should care about the children living with them, 80 percent of whom are American citizens.

[KPBS](#) [10/9/2018 8:24 AM, Jean Guerrero, CA] reports that more than 200 children are still separated from their parents after the U.S. government separated nearly 3,000 of them at the border, according to a status update hearing in San Diego federal court on Tuesday. Judge Dana Sabraw commended the U.S. government and the ACLU, which filed the lawsuit that led to his reunification order, for "working collaboratively... It would appear we're getting very close to getting this wrapped up," he said. But the ACLU said there are still some challenges when it comes to reunifying children with deported parents, and asked that the Department of Health and Human Services be in charge of all repatriations due to communication problems with Immigration and Customs Enforcement. ACLU attorney Lee Gelernt said Immigration and Customs Enforcement isn't always providing advance notice before sending children back to their parents in Central America. That means the children end up stranded in airports, with their parents sometimes days away in distant villages.

AP: Migrant children may be adopted after parents are deported

[The Hill](#) [10/9/2018 6:19 PM, Chris Mills Rodrigo] reports that holes in immigration laws are allowing state court judges to grant custody of migrant children to American families without notifying their deported parents, the Associated Press reported Tuesday. The AP scoured hundreds of court documents and immigration records to reveal several cases of children being permanently, legally taken from their families after initial separations. The report focuses on the case of Alexa Ramos, who was separated from her mother, Araceli, for 15 months, to explain issues of the legal standing for children placed under the Office of Refugee Resettlement. In a statement to The Hill, a DHS spokeswoman said that all of the cases the AP reviewed came under the Obama administration, emphasizing that all of the adoptions were done legally. "DHS takes seriously our responsibility for those in our custody — without the opportunity to look into these claims as we were not provided a name, alien number, or identifying details we find this claim to be baseless," the spokeswoman said.

[Fortune](#) [10/9/2018 2:01 PM, Erin Corbett, 1531K, NY] reports that a new investigation from the Associated Press found that parents who are being deported might lose custody of their children who remain in the U.S., as many parents who faced deportation proceedings over

the summer were coerced into signing paperwork to leave their children behind. As a result of the Trump administration's "zero-tolerance" immigration policy, which only lasted from May to June of this year, hundreds of migrant children who were separated from their parents at the border remain in detention, shelters, and foster care. The administration missed multiple family reunification deadlines over the summer. Nearly 3,000 children were separated from their parents before the policy ended.

Reported similarly: [NBC News](#) [10/9/2018 11:59 AM, AP, NY]

'We don't know what to do.' Proposed Trump rule strikes new fear in immigrant communities

[Modesto Bee](#) [10/9/2018 10:56 AM, Yesenia Amaro and Barbara Anderson, 35K, CA] reports that a proposed Trump administration rule that would make it more difficult for immigrants to become legal residents if they get government benefits has Fresno County immigrants and advocates concerned, while gaining support from fiscal conservatives who say the U.S. should not have to support individuals coming into the country. The proposed changes are making legal immigrants reconsider applying for public benefits that they are entitled to, such as Medi-Cal and food stamps. The U.S. Department of Homeland Security in late September released a proposed rule that would expand the list of public benefits that would be considered a public charge. The proposed rule would not apply to certain groups, such as refugees and asylum seekers, as well as Afghans and Iraqis with a special immigration visa. Homeland Security spokeswoman Katie Waldman said the rule has limited exemptions for benefits paid for an emergency condition. But depending on the state, people who have used benefits, such as emergency Medicaid and disaster relief, could be targeted by the new rule. But since most people who are hoping to come to the U.S. on a visa "are not generally eligible" for public benefits, the proposed policy would heavily focus on how "likely" people are to get public assistance as opposed to whether they have actually received public benefits. "Mostly, this rule is prospective in nature," Waldman said.

Trump's Immigration Crackdown Is Blowing Holes In Agency Budgets

[Huffington Post](#) [10/9/2018 10:12 PM, Roque Planas, 9842K] reports that two years in, President Donald Trump's promised immigration crackdown is hardly on pace to deliver his stated goal of deporting up to 3 million people. It has produced something else: gaping budget holes that the administration has scrambled to fill. To pay for it all, the administration pulled money from federal agencies that have nothing to do with immigration including cancer research, Head Start and the Federal Emergency Management Agency. The new crisis was triggered by the administration's decision in May to begin fingerprinting the adult sponsors who sought to retrieve children the government had detained – and to share that information with Immigration and Customs Enforcement. With one month left to tally for the fiscal year, arrests for illegal border crossings stand at about 355,000. Modestly, over the previous year, indicating that Trump's massive spending – aimed squarely at scaring potential migrants from trying to cross the border – isn't working. Congress, firmly in Republican control, has so far declined to halt the agency's backdoor expansion of the immigrant detention system or its evolving prioritization of petty immigration arrests over investigative work. "You're robbing one piece of the immigration system to feed that beast of the detention system," Tracey Valerio, ICE's former head of management, said.

Tom Homan: Trump has great respect from law enforcement

[FOX News](#) [10/9/2018 6:55 AM, Staff, 11653K] reports that former ICE acting director and FOX News contributor Tom Homan says the president has talked the talk and walked the walk. [Editorial note: consult source link for video]

[FOX News](#) [10/9/2018 11:58 AM, Kaitlyn Schallhorn] further reports that while leading ICE, Homan spearheaded a 40 percent surge in deportation arrests and established policies to make immigration arrests at courthouses and detain pregnant women. He has been one of the administration's most outspoken and enthusiastic advocates of its crackdown on illegal immigration and was the president's pick to officially lead the department.

[AZ] Migrant families overwhelm detention capacity in Arizona, prompting mass releases

[Washington Post](#) [10/9/2018 6:43 PM, Nick Miroff, 11614K] reports that a sudden influx of Guatemalan families into Arizona has overwhelmed detention facilities there and forced the government to release hundreds of parents and children over the past several days, U.S. Immigration and Customs Enforcement said Tuesday. Yasmeen Pitts O'Keefe, a spokeswoman for ICE, said the agency can no longer conduct basic reviews of migrants' case files and travel plans without running the risk of exceeding court-imposed limits on how long children can be held in immigration jails. As a result, ICE has been dropping off busloads of families at church shelters and charities, some with ankle monitoring bracelets, and others with little more than notices to appear in court.

"In light of the incredibly high volume of [families] presenting themselves along the Arizona border, ICE no longer has the capacity to conduct [case] reviews" without the risk of violating child-detention rules, O'Keefe said in a statement. "To mitigate that risk, ICE began to curtail such reviews in Arizona beginning Sunday October 7." In her statement, O'Keefe, the ICE spokeswoman, blamed the dysfunction on lawmakers and court rulings that prevent the government from keeping children in immigration jails beyond a 20-day limit. "After decades of inaction by Congress, the government remains severely constrained in its ability to detain and promptly remove families that have no legal basis to remain in the United States," O'Keefe's statement read. "As a result, family units continue to cross the border at high volumes... as they face no consequence for their actions," she said. Homeland Security Secretary Kirstjen Nielsen is scheduled to testify Wednesday before the Senate Homeland Security and Governmental Affairs Committee, where she is likely to face questions about the surge of families crossing the border and the Trump administration's plans for coping with it.

[U.S. News & World Report](#) [10/9/2018 4:48 PM, Associated Press] reports that ICE spokeswoman Yasmeen Pitts O'Keefe said Tuesday the agency is releasing the families because it doesn't have the capacity to deal with a high volume of migrant families showing up at Arizona's border with Mexico. Past court rulings limit how long minors can be held in immigration custody. The families being released must provide the address of their destination in the U.S., and then check in with immigration authorities once they get there. The nonprofit groups receiving the families help find places for them to stay until they can get them to their U.S.-based relatives. ICE often frees families who still face immigration court proceedings for a lack of detention space or court-imposed limits on how long they can be held. But officials with the nonprofits helping them said the recent release was larger than usual, at least in Arizona.

[NBC News](#) [10/9/2018 10:53 PM, Julia Ainsley, 3740K] reports that a senior Department of

Homeland Security official told NBC News the release is "the start of a dam breaking" as family detention facilities, which now hold thousands of migrants, reach capacity. U.S. Immigration and Customs Enforcement officers are releasing the families from detention en masse without following their usual protocol that ensures immigrants have a means to travel to their court hearing and reunite with potential relatives in the U.S. The adults have ankle monitors to track their whereabouts until their scheduled court date to make their case before a judge for asylum. "You'll start to see this all across the southern border soon." ICE spokeswoman Yasmeen O'Keefe said because of the volume of families presenting themselves along the Arizona border, ICE can no longer review each immigrant's travel plans prior to release without violating a federal court agreement, known as the Flores settlement that limits the amount of time children can be detained to 20 days. "To mitigate that risk, ICE began to curtail such reviews in Arizona beginning Sunday, October 7," O'Keefe said.

Reported similarly:

[ABC News](#) [10/9/2018 8:29 PM, Karine Hafuta, 3178K, NY]

[ThinkProgress](#) [10/9/2018 8:02 PM, Joshua Eaton, 799K, DC]

[Arizona Public Media](#) [10/9/2018 2:34 PM, Nancy Montoya, 5K, AZ]

[AZ] Second group of immigrant families released by ICE in Phoenix

[KTAR](#) [10/9/2018 8:25 PM, Staff, 30K, AZ] reports that a second group of the more than 400 immigrants seeking asylum in Arizona has arrived in Phoenix. Dozens of adults and children were dropped off by Immigration and Customs Enforcement at the First Congregational United Church of Christ in Phoenix via buses around 5:30 p.m. on Tuesday. On Monday, close to 100 immigrants were dropped off at Shadow Rock United Church of Christ. ICE spokesperson Yasmeen Pitts O'Keefe issued a statement on the release of the families on Monday. "After decades of inaction by Congress, the government has remained severely constrained in its ability to detain and promptly remove families that have no legal basis to remain in the United States," O'Keefe said in the statement. O'Keefe said the organization began to release family units that are in danger of being held past time allotted based on judicial decisions interpreting the Flores Settlement Agreement.

[CA] Private Immigration Detention Center Says It Has Already Fixed Problems Identified In Watchdog Report

[The Daily Caller](#) [10/10/2018 6:25 AM, Will Racke, DC] reports that a privately owned immigration detention center in California says it had fixed problems identified in a surprise government inspection by early September, nearly a month before the results of the inspection were released to the public. Inspectors with the Department of Homeland Security's Office of Inspector General (DHS-OIG) conducted an unannounced inspection of the Adelanto ICE Processing Center in May. As for concerns about inadequate medical and dental care, GEO Group says it is conducting a review with its medical services subcontractor "to ensure all medical and dental care is provided at the highest quality and in a timely manner, and to hold accountable those who are not meeting these expectations." As of Sept. 6, there was no longer a backlog for dental cleaning at Adelanto, warden James Janecka said.

[CA] OPINION: Immigration Is Still California's Biggest Issue

[The Daily Caller](#) [10/9/2018 12:26 PM, James Delmont, 984K, DC] reports that immigration was the most important issue in the 2016 presidential election. It is an even bigger issue

now, with many Democrats calling for open borders and an end to ICE enforcement. That mass immigration is killing the two-party system in the United States doesn't seem to register. Demography is political destiny, but moderate Republicans still can't grasp this. Sharing their view are the Cato Institute, the Wall Street Journal editorial board, the Federalist Society, the U.S. Chamber of Commerce, the Koch brothers and many more who should know better. Mass immigration has been popular with the establishment in both parties and with the dominant media for decades. Donald Trump and many populist Republicans openly differ with this point of view and are excoriated for it, but the proof is in the results. Yearly legal immigration to the United States has been at record levels for decades, and 80 percent of it is from Mexico, Central America and Asia — the unanticipated result of family chain migration.

Legal News

Supreme Court considering case on detention of immigrants

[Washington Post](#) [10/10/2018 12:35 AM, Jessica Gresko] reports that an immigration case before the Supreme Court pits the government against immigrants it wants to deport following crimes they have committed in the United States. The issue in the case has to do with when federal law gives immigration authorities the ability to hold immigrants in custody and deny them a hearing to argue for their release while they try to avoid being deported. The case before the justices Wednesday involves mostly long-term green card holders who have been convicted of a broad range of crimes that make them eligible to be deported. But those affected by the law aren't always detained immediately and are sometimes not detained until years later. One of the lead plaintiffs in the case is Mony Preap, a lawful permanent resident of the United States since 1981. He has two convictions for possession of marijuana and was released from custody in 2006. But he wasn't taken into immigration custody until 2013. Preap and others in his position, who are represented by the American Civil Liberties Union, argue that if they're not promptly detained after being released from custody and are instead picked up at some later date, their detention isn't mandatory. The case is 16-1363 Nielsen v. Preap.

Kavanaugh's first Supreme Court cases deal with immigration, sentencing guidelines: A look at the schedule

[FOX News](#) [10/9/2018 10:14 AM, Kaitlyn Schallhorn] reports that Justice Brett Kavanaugh's first official week on the Supreme Court kicks off with cases ranging from the detention of immigrants to sentencing guidelines. Kavanaugh, who was narrowly confirmed to the bench by the Senate, will hear his first oral arguments as a Supreme Court justice Tuesday. Perhaps Kavanaugh's first crucial case is Nielsen v. Preap – a case centered on the detention of immigrants. It asks the court whether a "criminal alien" – particularly one who has been in the U.S. for a long time – is exempt from mandatory detention if the Department of Homeland Security doesn't take him or her into federal immigration custody immediately after being released from criminal custody. The case was brought by three lawful permanent residents who were denied bond hearings after they were taken into custody by federal immigration agents – years after they had been released back into their communities, The Atlantic reported. Nielsen v. Preap is on the schedule for Wednesday.

[WBEZ 91.5 Chicago](#) [10/9/2018 1:36 PM, Staff, 39K, IL] reports that Kavanaugh will likely play a major role in shaping U.S. immigration policy, including the Deferred Action for Childhood Arrivals program known as DACA. It's been about a year since President Trump

ordered the end of DACA, which grants certain protections for so-called Dreamers — immigrants who came to the country illegally as children. Right now DACA's fate is in limbo after a federal judge ordered the Trump administration to continue accepting renewal applications. Claudia Valenzuela of the National Immigrant Justice Center joined us to share her thoughts on what Justice Kavanaugh's presence on the bench could mean for immigrants living in the U.S. and to give an update on the state of DACA. [Editorial note: consult source link for audio]

Reported similarly: [WBEZ 91.5 Chicago](#) [10/9/2018 12:49 PM, Nereida Moreno, 39K, IL]

U.N. Official Says U.S. Judge Must Block Donald Trump's Migration Reforms

[Breitbart](#) [10/10/2018 3:35 AM, Neil Munro, 2213K] reports that the United Nations is legally attacking President Donald Trump's "credible fear" migration reforms which are curbing the migration of low-wage Central Americans into U.S. jobs, schools and communities. Attorney General Jeff Sessions developed Trump's reforms, which cancel the legal welcomes provided by President Barack Obama to migrants who claim they deserve asylum because they are being persecuted by spouses or criminal gangs. The UNHCR legal claim is intended to support an ACLU lawsuit against Sessions, titled *Grace v. Sessions*.

ICE Attys Discouraged From Closing Cases, Memo Reveals

[Law360](#) [10/9/2018 10:23 PM, Nicole Narea] reports that U.S. Immigration and Customs Enforcement attorneys have been urged to exclude no one from immigration enforcement, challenge grants of immigration benefits, and narrow the circumstances in which they choose not to prosecute, according to an internal memo made public Sunday. The August 2017 memo — first obtained by Buzz Feed in a Freedom of Information Act request — instructs attorneys representing ICE through the Office of the Principal Legal Advisor on how to apply President Donald Trump's January 2017 executive order on immigration enforcement. It says that attorneys need not consider petitions for prosecutorial discretion sent to the agency, as they had during the Obama administration, but rather should only use their discretion to close immigration cases in certain extraordinary circumstances.

Judge Didn't Clarify Evidence Needed for Asylum: 3rd Circ.

[Law360](#) [10/9/2018 10:01 PM, Kevin Penton] reports that the Third Circuit on Tuesday determined that an immigration judge erred by rejecting a Salvadoran native's asylum bid, as the judge did not give the woman adequate notice of what was needed to back up claims that she was a victim of domestic violence. In a determination similar to what another Third Circuit panel reached last week in a case involving asylum claims by a different Salvadoran, the appellate panel on Tuesday determined that the immigration judge erred by rejecting Ana Leticia Padilla-Maldonado's asylum and withholding of removal bids without first specifying what corroborating evidence should have been submitted, according to the opinion. The Third Circuit on Tuesday also instructed the immigration judge to reexamine whether Padilla-Maldonado still qualifies for asylum, in light of U.S. Attorney General Jeff Sessions' recent determination in a Board of Immigration Appeals case known as *Matter of A-B-*. The case is *Padilla-Maldonado et al. v. Attorney General of the U.S.*, case number 17-3097, in the U.S. Court of Appeals for the Third Circuit.

[GA] DOJ, Poultry Co. Settle Suit Over Work Authorization Docs

[Law360](#) [10/9/2018 4:35 PM, Tiffany Hu] reports that the U.S. Department of Justice has settled a long-running lawsuit against a Georgia-based poultry processing plant that

allegedly discriminated against non-U.S. citizens by requiring them to present unnecessary documents, the department announced Tuesday. The DOJ said that it had reached a deal with Mar-Jac Poultry Inc. after finding in March 2017 that the company had violated federal immigration laws by requiring lawful permanent residents and immigrants with work authorization to annually present specific documents issued by the U.S. Department of Homeland Security, which U.S. citizen workers were not required to present. The case is U.S. v. Mar-Jac Poultry Inc., case number 11B00111, before the Office of the Chief Administrative Hearing Officer at the DOJ's Executive Office for Immigration Review.

[AZ] Group seeks migrants illegally detained by Arpaio's officers

[Washington Times](#) [10/9/2018 1:26 PM, Associated Press, DC] reports that in all, 105 people have started the process of filing compensation claims for being illegally detained when then-Maricopa County Sheriff Joe Arpaio disobeyed a 2011 court order barring his immigration patrols. Taxpayers are on the hook for compensating those who were illegally detained and turned over to federal immigration authorities in patrols that Arpaio later acknowledged prolonging from December 2011 and late May 2013. The Arizona Republic reports the Centro De Los Derechos Del Migrante, a binational labor rights organization, is working to find victims in Mexico as part of an outreach campaign by BrownGreer, a Richmond, Virginia, law firm in charge of administering the compensation fund. The victims may qualify for \$500 to \$10,000 in compensation under the \$500,000 fund set aside by Maricopa County.

Enforcement News

ICE freezes deportations of immigrants in areas affected by Hurricane Michael

[NBC News](#) [10/9/2018 11:14 AM, Julia Ainsley, 3740K] reports that As hurricane Michael roars toward the Gulf Coast, immigration agents are halting the arrests and deportations of undocumented immigrants in Florida and Alabama, officials said Tuesday. "Our highest priority remains the preservation of life and safety," said Katie Waldman, a spokeswoman for the Department of Homeland Secretary. "In consideration of these circumstances, there will be no immigration enforcement initiatives associated with evacuations or sheltering related to Michael, except in the event of a serious public safety threat."

How E-Verify works: Immigration labor program draws scrutiny

[FOX News](#) [10/9/2018 10:43 AM, Andrew Keiper, 11653K] reports that amid the controversies brought on by deportations, caged kids and political posturing, one crucial aspect of our immigration system often goes without sufficient scrutiny: E-Verify. E-Verify is a system intended to authorize an individual's legal right to work in the United States. The online database is supposed to verify the authenticity of the documents provided by an employee to an employer. While the system mostly works as it's supposed to, critics say it often fails in its most fundamental goal: keeping undocumented people from gaining legal employment. Critics of the system on both sides of the partisan aisle say E-Verify has unavoidable flaws and can cause harm to small businesses, the economy and immigrants.

Increasingly, ICE raids are pulling the labor force from farms and factories. In Ohio, 146 were arrested in a single raid on a Fresh Mark farm in late June. ICE said it was the largest workplace raid in the agency's history, and the second massive raid in Ohio that month. Earlier that month, 114 were arrested at an Ohio landscaping company. A solution that falls

short of citizenship, but wouldn't cripple farms and factories across the country, would be a pathway to work authorization.

[CT] Undocumented immigrant has spent one year as refugee in Meriden church

[Record Journal](#) [10/9/2018 8:48 PM, Ryan Chichester, 7K, CT] reports that for a full year, undocumented immigrant Sujitno Sajuti has lived within the walls of Unitarian Universalist Church while lawyers search for options. In recognition, the Paddock Avenue church hosted a one year observance for the Indonesian native and Fulbright scholar, who was ordered by Immigration and Customs Enforcement to board a plane back to Indonesia on the morning of October 10, 2017 after his request for stay was denied. Instead, the 68-year-old Sajuti sought refuge at the church with his wife Dahlia. He arrived in the U.S. in 1981 on a student visa. He elected to stay after the visa expired and was detained by ICE in 2011, remaining in custody for two months. He had been on a stay of removal since 2013.

[NY] Chinese clients of New York 'asylum mill' lawyers face deportation threat

[South China Morning Post](#) [10/9/2018 10:36 PM, Shen Lu and Jun Mai, China] reports that a crackdown by U.S. immigration authorities on thousands of potentially fraudulent asylum applications is reverberating throughout the Chinese immigrant community in New York, causing anxiety and confusion as applicants rush to find legal strategies to avoid possible deportation. The U.S. is reviewing more than 13,000 cases handled by immigration lawyers, agents and others convicted after a 2012 investigation called Operation Fiction Writer. Those who were found guilty helped more than 3,500 immigrants, mostly Chinese, win asylum status, U.S. authorities said. The 2012 investigation involved about 3,500 asylum grants, and the number of "derivative applications" submitted by family members now exceeds 10,000, U.S. Immigration and Customs Enforcement (ICE) told the South China Morning Post. The agency said that some 13,500 Chinese immigrants who were granted asylum before December 2012 could lose their status and potentially face deportation. Immigration judges have the authority to terminate grants of asylum, ICE said.

[VA] Virginia church gives sanctuary to woman facing deportation

[Washington Post](#) [10/9/2018 1:23 PM, Associated Press] reports that a church in Virginia has provided sanctuary for a Guatemalan woman who is facing deportation. Wesley Memorial United Methodist Church in Charlottesville has agreed to help protect Maria Chavalan Sut from deportation by allowing her to live in the church. Immigration and Customs Enforcement officials have said they generally avoid entering sensitive locations such as places of worship. Her lawyer said during a news conference Monday that she sought asylum in the U.S. after her house was set on fire with her family inside. ICE released her after a border interview but her lawyer says a notice to appear in court didn't include a date or time. Due to her court absence, she was ordered to leave the U.S. A motion to reopen her case is pending.

Reported similarly:

[Richmond Times-Dispatch](#) [10/9/2018 10:00 AM, Allison Wrabel, VA]

[Charlottesville News Plex](#) [10/9/2018 11:27 AM, Courteney Stuart, 2K, VA]

[CBS 19 News](#) [10/9/2018 7:03 PM, Courteney Stuart, 2K, VA]

[WMRA](#) [10/9/2018 8:39 AM, Marguerite Gallorini, 1K, VA]

[OH] Miami Dad Thought A Good Samaritan Was Returning His Wallet. He Met ICE Instead.

[Huffington Post](#) [10/9/2018 1:30 PM, Sebastian Murdock, 9842K] reports that a Miami dad, an immigrant from Argentina who was applying for permanent residency, lost his wallet this summer. When he got a phone call from someone saying it had been found, he went to collect it. To his surprise, he was greeted by Immigration and Customs Enforcement agents, who detained him. The man, Flavio Musmanno, has lived in the U.S. since 2000. Though his visa was expired, he is married to a U.S. citizen and was in the process of applying for permanent residency, Rise News first reported.

Reported similarly:

[New York Post](#) [10/9/2018 5:36 PM, Chris Perez, 4882K, NY]

[ThinkProgress](#) [10/9/2018 2:01 PM, Rebekah Entralgo, 799K, DC]

[Miami New Times](#) [10/9/2018 8:30 AM, Jerry Iannelli, 127K, FL]

[TX] 43 migrants discovered in trailer at I-35 checkpoint

[Laredo Morning Times](#) [10/9/2018 9:18 AM, Staff, 63K, TX] reports that more than 40 undocumented immigrants were found Sunday in a tractor-trailer at the Interstate 35 checkpoint, according to Border Patrol. The event unfolded when agents encountered a blue Freightliner tractor pulling a white refrigerated trailer with two visible occupants. During the primary inspection of occupants, a service canine alerted agents to the odor of concealed humans or narcotics. The tractor-trailer was referred to secondary inspection, during which 43 individuals were found in the trailer. All had entered the United States illegally, Border Patrol said. The driver and passenger, both U.S. citizens, along with the undocumented immigrants, were arrested. All of the individuals were evaluated and did not require medical attention.

[AZ] Immigrants seeking sanctuary at North Phoenix church

[FOX 10 Phoenix](#) [10/9/2018 5:11 PM, Staff, 51K, AZ] reports that the process of releasing hundreds of immigrants seeking asylum in the United States has begun, and many of them are waking up this morning in the Valley. Many of these immigrants are seeking sanctuary at Shadow Rock United Church of Christ in Phoenix. About 100 asylum seekers were dropped off at the church late Monday night. They are families mostly from Central America who surrendered themselves at the Arizona border. Abeth Spencer with the Church said they have all been processed, and then released by ICE. "They've been released to connect with family they have in the country, and when they arrive with that family, they will reconnect with immigration authorities in that area. They have bus tickets," said Spencer, who went on to say the Church has been heartened by the many volunteers who have shown up to help with the families.

[CA] Homeless man says alleged serial killer, illegal immigrant 'clobbered' him with bolt cutters in California

[FOX News](#) [10/9/2018 2:17 PM, Katherine Lam] reports that a homeless man in California recalled how he survived a brutal bolt cutter beating at the hands of alleged serial killer Ramon Escobar – just two days before the six-time deportee bludgeoned another transient to death. The man, who identified himself as Salem, told FOX11 Los Angeles he was at a homeless encampment in Santa Monica on Sept. 22 when he first encountered Escobar, now charged in the beating deaths of at least three homeless men. Escobar has a long criminal history, including six felony convictions for burglary and illegal re-entry, but U.S. Immigration and Customs Enforcement released him from custody after Escobar won an appeal in immigration court in 2016.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS
www.TechMIS.com

Thursday, Oct. 11, 2018

Executive Office for Immigration Review

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Executive Office for Immigration Review

[PA] 'Real Housewives' husband Joe Giudice to be deported

[KUTV](#) [10/10/2018 2:07 PM, Associated Press] reports that the husband of "Real Housewives of New Jersey" star Teresa Giudice will be deported back to Italy once he's released from prison next year, according to a judge's ruling Wednesday. Giuseppe "Joe" Giudice appeared before an immigration court in York, Pennsylvania, via teleconference. He has 30 days to appeal the decision, said Kathryn Mattingly, a spokeswoman for the Executive Office of Immigration Review. Giudice is an Italian citizen who came to the U.S. as an infant and wasn't aware he wasn't an American citizen. He's currently serving a more than 3-year sentence for fraud and failing to pay taxes. He's incarcerated at FCI Allenwood, about 165 miles (266 kilometers) northwest of Philadelphia. Prison records indicate he is set to be released in March. The couple pleaded guilty in 2014 to bankruptcy fraud and submitting false loan applications to get \$5 million in mortgages and construction loans. Joe Giudice also pleaded guilty to not paying about \$200,000 in income taxes. Teresa Giudice served nearly a year in prison and was freed in December 2015.

The [Huffington Post](#) [10/10/2018 12:55 PM, Cole Delbyck, 9842K] reports that Judge John Ellington said during a hearing at Pennsylvania's York Immigration Court on Wednesday; "based upon the law, I find you deportable and ineligible for any kind of relief." Judge Ellington further added; "Mr. Giudice, no matter how this turns out, I wish you the best. I decided this case as a matter of law."

[Cosmopolitan](#) [10/10/2018 1:41 PM, Emma Baty] reports that Mr. Giudice's reaction was shock, and he argued with the judge from the prison in Pennsylvania where he's currently

serving three years for fraud. "I don't understand how I can be deported on this case. If you will, I'll tell you my side. I shouldn't even be here right now," he said. "I have to go back and tell my kids this, and they've been waiting to hear from me."

[FOX News](#) [10/10/2018 12:23 PM, Chelsea Hirsch] reports that Giudice is set to be released on March 14, 2019, per Bureau of Prisons records.

Reported similarly:

[ABC News](#) [10/10/2018 5:30 PM, Aaron Katersky, 3178K]

[MSN News](#) [10/10/2018 7:57 PM, Mark Gray]

[NBC News](#) [10/10/2018 3:23 PM, Minyvonne Burke]

[USA Today](#) [10/10/2018 5:00 PM, Keldy Ortiz]

[Bustle](#) [10/10/2018 11:49 AM, Marenah Dobin, 3272K]

[BuzzFeed](#) [10/10/2018 2:36 PM, Claudia Rosenbaum and Kate Aurthur, 11771K]

[US Weekly Online](#) [10/10/2018 6:18 PM, Erin Crabtree, 1028K, NY]

[People](#) [10/10/2018 11:02 AM, Dave Quinn and Jodi Guglielmi, 3772K]

[New York Daily News](#) [10/10/2018 11:55 AM, Rachel DeSantis, 1842K, NY]

[Newsday](#) [10/10/2018 5:33 PM, Frank Lovece, NY]

[NJ.com](#) [10/10/2018 4:37 PM, Jeff Goldman, 965K, NJ]

[Courier Post](#) [10/10/2018 5:52 PM, Keldy Ortiz, 12K, NJ]

[York Dispatch](#) [10/10/2018 3:47 PM, Staff, PA]

[Morning Call](#) [10/10/2018 11:55 AM, Rachel DeSantis, 110K, PA]

[Newser](#) [10/10/2018 5:40 PM, Luke Roney, 258K, IL]

[PA] Joe Giudice to Be Deported: What It Really Means

[E News](#) [10/10/2018 4:22 PM, Beth Sobol and Jess Cohen] reports that Joe Giudice is set to be deported to his native Italy after serving his time in prison. A Pennsylvania immigration court judge ruled on Wednesday that the husband of Real Housewives of New Jersey star Teresa Giudice is to be removed from the United States, without giving a time frame, according to the U.S. Department of Justice. Joe is set to be released from prison in March 2019 and is then expected to be transferred into ICE custody. "On Oct. 10, Mr. Giudice was ordered removed by an immigration judge with the Executive Office for Immigration Review. Mr. Giudice has reserved his right to appeal the decision to the Board of Immigration Appeals and has 30 days to file an appeal before the order becomes final," a statement from ICE reads. "As standard practice, ICE, through its Criminal Alien Program (CAP) works with the Bureau of Prisons (BOP) to identify foreign-born nationals who are amenable to removal. These aliens are placed in removal proceedings while serving their criminal sentences in order to reduce ICE detention costs and expedite removals once BOP transfers are completed." Now, New Jersey based immigration attorney Edward Shulman of the Shulman Law Group is talking to E! News about the ruling and what this really means for Joe and the Giudice family. Shulman tells E! News that if the person appeals within 30 days, then the removal is stayed until the Board of Immigration Appeals makes a ruling. "So the board is located in Virginia. And that's generally done on the papers, very rarely do they give an oral argument," he shares. "Generally, when someone's detained, they do it much more rapidly. Usually within three months a decision should be made. If there's no other appeal and it doesn't go higher, the removal will be as fast as immigration can get his travel documents together."

[IL] British priest may not have to leave U.S. But he can't be a citizen after voting error

[Kansas City Star](#) [10/10/2018 10:06 AM, Rick Montgomery, MO] reports that an Illinois priest facing removal to his native England is changing his earlier plans to leave voluntarily for having mistakenly voted once in a U.S. election. At a preliminary hearing in Kansas City immigration court Tuesday, the Rev. David Boase and his attorney told a judge via phone that they will seek a cancellation of Boase's removal. If granted, the action would allow Boase to reside permanently in the United States. However, he may never attain citizenship, his lawyer said — a fact that Boase has accepted. Allowing Boase time to submit the necessary papers, Judge Glen R. Baker scheduled an April 23 teleconference to further discuss the matter. After Tuesday's session, Baker said he usually grants such applications, known as a 42A, for persons who meet the requirements of having no criminal convictions and at least five years of legal permanent residency status. "He better not vote again," Baker told The Star.

Boase legally migrated in 2004 to serve Episcopal churches in America. While taking the final administrative steps earlier this year for attaining U.S. citizenship, he acknowledged having voted in 2006. U.S. Citizenship and Immigration Services said his misstep not only barred Boase from citizenship, but required him to return to England because it was against the law.

The U.S. Citizenship and Immigration Services said his misstep not only barred Boase from citizenship, but required him to return to England because it was against the law. Voting when not a U.S. citizen "is like a capital offense" in the eyes of federal authorities, explained a Kansas City immigration lawyer.

The [St. Louis Post-Dispatch](#) [10/10/2018 12:45 PM, Leah Thorsen, 350K, MO] reports that the Rev. David Boase, 69, is accused of voting illegally in one federal election while living in Illinois — something he said he didn't know was against the law at the time. His attorney, David Cox, had intended to ask that Boase be allowed to voluntarily leave the country so he could hopefully return again at some point. But during a telephone hearing Monday with an immigration judge in Kansas City, he instead asked that Boase be allowed to stay under what's known as a "cancellation of removal," which is based a standard of the person's good moral character.

Policy and Legislative News

Senators grill DHS Secretary Kirstjen Nielsen over child detentions under 'zero-tolerance' policy at border

[USA Today](#) [10/10/2018 2:29 PM, Bart Jansen, 8110K] reports that Democratic senators grilled Homeland Security Secretary Kirstjen Nielsen on Wednesday about the detention of children along the southern border with Mexico that sparked widespread protests during the summer. Sen. Kamala Harris, D-Calif., said Nielsen's assertion under oath that her department doesn't detain children appeared in conflict with an inspector general's report Sept. 27 that children were detained and for longer than the 72 hours allowed by statute. The report found that 27 percent of the children detained by Customs and Border Protection in the Rio Grande Valley sector and 23 percent in the El Paso sector were held for longer than five days. In one case, a child was held in the Rio Grande sector for 25 days. Nielsen's denial of detaining children contrasted with pictures and video during the summer of

children in chain-link cages at CBP facilities.

"Not only has CBP detained children, it has detained them for longer than is statutorily allowed," Harris said at a Homeland Security and Government Affairs Committee hearing. "How do you reconcile the IG report with your testimony?" Nielsen said CBP processes children with medical screening and then transfers them to the Department of Health and Human Services. But because of the large influx, HHS sometimes isn't able to receive children immediately, she said. "It's not detention facilities," Nielsen said at her first hearing since the zero-tolerance policy focused attention on the issue. "We are not able to, under the law, put them anywhere else." The number of immigrant children who arrived alone or with relatives sometimes overwhelmed the government's ability to process and detain them. "In order words, we do not have detention facilities at DHS for 10,000 children who were sent here unaccompanied – and their parents chose to do that," Nielsen said.

How Trump's Immigration Policies Are Provoking Insecurity at the U.S.-Mexico Border

[Pacific Standard](#) [10/10/2018 1:12 PM, Massoud Hayoun, 110K, CA] reports that while the Trump administration makes headlines for its immigration policy once again this week — this time for a proposal to limit green card recipients based on use of government benefits — another controversy at the border continues to unfold: Donald Trump's immigration policies are spurring further instability at the United States-Mexico border, analysts say, as an apparent surge in migrants headed to and from the U.S. weighs heavily on already overwrought public infrastructure in places like Tijuana. "U.S. immigration policy is making Mexico less safe — the border and the migration routes in particular," says Guadalupe Correa-Cabrera, a policy professor at George Mason University who has recently traveled to Tijuana and other U.S.-Mexico border towns to conduct research on how the Trump administration's policies are affecting the situation there. She says that influxes of vulnerable people to places struggling with organized crime have threatened both the migrants' lives and regional stability.

Merkley bill aims to 'stop Trump's internment camp agenda'

[News Channel 21](#) [10/10/2018 6:35 PM, Staff, 30K, OR] reports that Senator Jeff Merkley announced Wednesday the introduction of the No Internment Camps Act, legislation to prevent the Trump Administration from forcing families fleeing persecution abroad into internment camps while they await their asylum hearings. Since the summer, the Trump Administration has aggressively pursued a strategy of forcing such families to wait in internment camps for their asylum hearings. The No Internment Camps Act would ensure that no federal dollars are used for the operation or construction of family detention facilities, and create a one-year phase out of currently operating family detention centers. It would also transfer the funds currently used to operate family detention centers to the Alternatives to Detention program, in order to re-establish the Family Case Management Program.

The clock is ticking on stricter 'public charge' rules for immigrants

[Washington Post](#) [10/10/2018 9:24 AM, Paige Winfield Cunningham] reports that if an immigrant has enrolled in Medicaid or accepted food stamps, it could soon be harder for them to stay in the United States permanently under a new regulation the Trump administration will formally propose today. In a strange reversal from the way new regulations are usually put forward, the Department of Homeland Security released a draft of the rule a few weeks ago but hadn't yet posted it in the federal register. When that

happens today, it will kick off a 60-day public comment period where you can bet doctors and other health advocates will be pushing for DHS to back away from the changes the agency is seeking. DHS Secretary Kirstjen Nielsen said long-standing federal law requires would-be immigrants to "show they can support themselves financially," in an announcement of the proposed rule a few weeks ago.

Reported similarly:

[New York Times](#) [10/10/2018 9:51 AM, Douglas Jacobs]

[ThinkProgress](#) [10/10/2018 1:13 PM, Rebekah Entralgo, 799K, DC]

[Pacific Standard](#) [10/10/2018 4:00 PM, Emily Moon, 110K, CA]

ACLU Asks Illegal Immigrants To Inform Against ICE If Questioned During Hurricane Evacuation

[The Daily Caller](#) [10/10/2018 2:24 PM, Joshua Gill, 984K, DC] reports that the ACLU asked illegal immigrants to alert them Wednesday if questioned by Immigration and Customs Enforcement while evacuating from Hurricane Michael's path. The ACLU told illegal immigrants over Twitter that they have a right to evacuate from the storm's path "without fear of deportation," despite ICE's announced suspension of deportations in Florida and Alabama. The organization also asked illegal immigrants to call them in the event that ICE conducts sweeps in areas under evacuation orders. "Our highest priority remains the preservation of life and safety," said Katie Waldman, a spokeswoman for the Department of Homeland Secretary, according to NBC News. "In consideration of these circumstances, there will be no immigration enforcement initiatives associated with evacuations or sheltering related to Michael, except in the event of a serious public safety threat."

Trump in Pennsylvania: 'If We Don't Have ICE, You'll Pay a Big Price'

[Breitbart](#) [10/10/2018 9:34 PM, Michelle Moons, 2213K] President Donald Trump slammed Democrat Sen. Bob Casey's opposition to U.S. Immigration and Customs Enforcement (ICE) at Wednesday's MAGA rally in Pennsylvania. Trump stumped for Republicans and against Democrats at the rally, distinguishing the positions of candidates including Democrat Sen. Casey and Casey's challenger, Rep. Lou Barletta. He said Bob Casey fights to protect "violent illegal aliens," supports sanctuary cities, and wants to get rid of ICE – unlike Barletta, who is fighting for Americans. Trump lauded the men and women of ICE as "brave people." "If we don't have ICE, you'll pay a big price," said Trump.

Abolish ICE: Beyond a Slogan

[Rewire](#) [10/10/2018 7:00 AM, Tina Vasquez] reports that what transformed an activist debate into a surging hashtag was the Trump administration's family separation policy at the border, which quietly began months before Attorney General Jeff Sessions confirmed in April 2018 the "zero tolerance" policy of prosecuting every undocumented person arriving across the south-western border. By mid-June, Homeland Security was forced to admit that more than 2,000 children had been separated from their parents as a result. It's important to note that the Trump administration's family separation policy did absolutely nothing to deter Central Americans from seeking safety in the US. Statistics from Customs and Border Protection (CBP) for August 2018 revealed that apprehensions of migrant families and children along the U.S.–Mexico border increased by 38 percent month-on-month, the fifth highest monthly figure ever recorded.

[NY] Proposed Town Legislation Would Bar Police from Aiding in ICE Deportations

[Sag Harbor Express](#) [10/10/2018 2:45 PM, Peter Boody, 1K, NY] reports that the Organización Latino-Americana of Eastern Long Island, the support organization for Latinos known as OLA, has submitted proposed legislation to the town boards of Southampton and East Hampton that would bar local police from investigating, detaining or turning over anyone to U.S. Immigration and Customs Enforcement unless a crime is involved or they are required to do so by state or federal law. The supervisors in each town say they already follow similar guidelines by declining to deputize police as agents of ICE and by detaining non-U.S. residents in criminal cases, not because of their immigration status. Called the Peaceful Communities Protection Act, the proposed legislation is similar to so-called "sanctuary city" codes on which it was modeled in San Francisco, Boulder, Hartford and elsewhere. If adopted, the law would bar town police and employees from inquiring about a person's immigration status; using town facilities, funds, or personnel to detain undocumented immigrants; or passing on any information about anyone's citizenship or immigration status to federal authorities unless the case involved a criminal matter and they were required to do so by law.

[MN] Minneapolis police squads will carry message of immigrant rights

[Minneapolis Star Tribune](#) [10/10/2018 2:39 PM, Andy Mannix, 524K, MN] reports that the back seat of every Minneapolis police squad will soon display a message in English and Spanish: You have the right to remain silent about your place of birth, immigration status and everything else. Mayor Jacob Frey has promised to keep Minneapolis safe for immigrants as federal authorities' ramp up enforcement of immigration laws.

[AZ] ICE ending practice of coordinating plans for asylum-seeking families in Arizona

[CNN](#) [10/10/2018 9:43 AM, Geneva Sands, 28810K] reports that Immigration and Customs Enforcement has ended its practice of coordinating plans for asylum-seeking families in Arizona that are released from custody but still awaiting a court hearing on their request. Prior to Sunday, the agency carried out reviews that included confirming bus routes, coordinating with NGOs, communicating with family members and ensuring that asylum seekers had a means to reach a final destination within the United States before release from custody, according to ICE. This change could create the need for more non-governmental support as families continue to be released without a reviewed travel and communications plan. This was a "self-imposed process" and there is no requirement that these reviews be conducted, according to ICE spokesperson Yasmeen Pitts O'Keefe. "In light of the incredibly high volume of [family units] presenting themselves along the Arizona border, ICE no longer has the capacity to conduct these reviews without risking violation of the Flores limitations on lengths of stay for minors in both [Customs and Border Protection] CBP and ICE custody," O'Keefe said in a statement.

The Flores settlement, which is currently being challenged in court, is a decades-old court agreement that limits the length of time that undocumented immigrant children can be held in detention. The current Flores court challenge arose after the Trump administration announced its "zero-tolerance" policy this spring which led to thousands of children being separated from their families as parents faced criminal prosecution. In June, President Donald Trump reversed the policy --- signing an executive order that ended separations and sought to keep families who entered the United States without proper inspection detained together while going through immigration proceedings. The U.S. District Court of Central California rejected a request this summer from the government asking to hold children for more than the allowed 20 days, so that families could remain together in detention. The

administration has repeatedly encouraged asylum seekers to present themselves at a legal port of entry to make their claims. According to ICE, the reviews for its post-release plan are "time and resource intensive" and can delay the release of families by several days. It is unclear exactly how much time this process was contributing to lengths of time in government custody.

[AZ] The Sudden Release of Asylum Seekers Highlights the Trump Administration's Failure to Respond to a Surge in Family Arrivals

[Pacific Standard](#) [10/10/2018 5:55 PM, Jack Herrera, 110K, CA] reports that as detention centers reach capacity and the Trump administration struggles to respond to a surge of family arrivals at the United States-Mexico border, the government has begun releasing hundreds of asylum seekers without first ensuring that they have access to shelter or transportation. This release represents a breach in Immigration and Customs Enforcement protocol. Normally, ICE agents would first ensure that released asylum seekers have transportation to their court date and would work to ensure that the new arrivals could connect with relatives or other supporters within the country. Unable to handle the increase in family arrivals in recent months, ICE and the Department of Homeland Security have admitted that normal practices and policies have collapsed beneath the weight of clogged systems and packed detention centers. "This is the start of a dam breaking. You'll start to see this all across the southern border soon," an anonymous DHS official told NBC. ICE's release of migrants in Arizona has put enormous pressure on churches, shelters, and other non-profit groups seeking to support the wave of families now seeking refuge, NBC reports.

Legal News

Supreme Court wrestles with case on detention of immigrants

[Washington Post](#) [10/10/2018 4:19 PM, Jessica Gresko] reports that the Supreme Court wrestled Wednesday with a case about the government's ability to detain certain immigrants after they've served sentences for committing crimes in the United States. Several justices expressed concerns with the government's reading of immigration law. Justice Stephen Breyer seemed perhaps the most sympathetic to the arguments of immigrants in the case. The immigrants, mostly green-card holders, say they should get hearings where they can argue for their release while deportation proceedings against them are ongoing. Breyer noted that the United States "gives every triple ax murderer a bail hearing." While members of the court's conservative majority seemed more inclined than its liberal members to back the government, both of President Donald Trump's appointees asked questions that made it less clear how they might ultimately rule.

The issue in the case before the justices has to do with the detention of noncitizens who have committed a broad range of crimes that make them deportable. Immigration law tells the government to pick those people up when they are released from federal or state prisons and jails and then hold them without bond hearings while an immigration court decides whether they should be deported. But those affected by the law aren't always picked up immediately and are sometimes not detained until years later. They argue that unless they're picked up essentially within a day of being released, they're entitled to a hearing where they can argue that they aren't a danger to the community and are not likely to flee. If a judge agrees, they can stay out of custody while their deportation case goes forward. That's the same hearing rule that applies to other noncitizens the government is trying to deport.

The [New York Times](#) [10/10/2018 9:51 AM, Adam Liptak] reports that the Supreme Court argument on Wednesday over the detention of immigrants during deportation proceedings seemed to expose a divide between President Trump's two appointees, Justices Neil M. Gorsuch and Brett M. Kavanaugh. Justice Kavanaugh said a 1996 federal law required detention even years later, without an opportunity for a bail hearing. "What was really going through Congress's mind in 1996 was harshness on this topic," he said. But Justice Gorsuch suggested that mandatory detentions of immigrants long after they completed their sentences could be problematic. "Is there any limit on the government's power?" he asked. Justice Stephen G. Breyer pressed the point, asking a lawyer for the federal government whether it could detain "a person 50 years later, who is on his death bed, after stealing some bus transfers" without a bail hearing "even though in this country a triple ax murderer is given a bail hearing."

The lawyer, Zachary D. Tripp, hedged, and Justice Gorsuch grew frustrated. Mr. Tripp eventually responded, "This applies regardless of time." He added that Congress had intended that harsh result. In April, Justice Gorsuch joined the court's four liberal members in a 5-to-4 decision striking down a law that allowed the government to deport some immigrants who had committed serious crimes, saying it was unconstitutionally vague. Some of his questions on Wednesday in the new case, *Nielsen v. Preap*, No. 16-1363, left open the possibility of a similar alliance.

[Law360](#) [10/10/2018 6:44 PM, Nicole Narea, NY] reports that the U.S. Supreme Court on Wednesday heard arguments in a case concerning whether some immigrants have a right to a bond hearing if they were not immediately detained following their release from criminal custody, with government counsel facing a tough line of questioning over the limits of immigration agencies' authority. The case is *Nielsen v. Preap*, case number 16-1363, in the U.S. Supreme Court.

Reported similarly:

[Reuters](#) [10/10/2018 9:51 AM, Lawrence Hurley]

[Wall Street Journal](#) [10/10/2018 7:57 PM, Jess Bravin]

[The Hill](#) [10/10/2018 1:46 PM, Lydia Wheeler, 3846K]

[Los Angeles Times](#) [10/10/2018 1:15 PM, David G. Savage, 3575K]

[BuzzFeed](#) [10/10/2018 3:38 PM, Chris Geidner]

[ThinkProgress](#) [10/10/2018 10:10 AM, Rebekah Entralgo, 799K]

[The Daily Caller](#) [10/10/2018 4:20 PM, Kevin Daley, DC]

[Washington Examiner](#) [10/10/2018 2:09 PM, Melissa Quinn, 535K, DC]

[KXLF 4](#) [10/10/2018 11:45 AM, Staff, MT]

Kavanaugh and Alito Question ACLU's Challenge to Immigration Policy

[National Law Journal](#) [10/10/2018 3:31 PM, Marcia Coyle, DC] reports that in a closely watched immigration case, the Justice Department urged the U.S. Supreme Court on Wednesday to find that immigrants who have been released after serving criminal sentences can be picked up at any time—even a dozen years or more later—and detained without hearings until their deportation cases are resolved. In his second day on the bench, Justice Brett Kavanaugh, confirmed Oct. 5 after a bruising Senate fight, appeared sympathetic, along with Justice Samuel Alito Jr., to the government's arguments that federal immigration law does not impose a time limit on when immigration enforcement officials must act after an immigrant is released from criminal custody.

Justice Brett Kavanaugh Weighs on First Immigration Case, Worries Advocates

[Legal Reader](#) [10/10/2018 5:14 PM, Ryan J. Farrick] reports that with Justice Brett Kavanaugh confirmed to the Supreme Court, immigration advocates fear for the future. USA Today reports that Kavanaugh has only presided over a handful of cases that dealt directly with immigration. Most were varied and 'dealt with very specific issues. Kavanaugh's few forays into immigration affairs have given advocates and attorneys enough to fear. Not everyone is worried that a conservative court could spell disaster for immigrants. John Miano, attorney with the Immigration Reform Law Institute, said he's faced Kavanaugh in court. Although Miano's group advocates policy unfavorable to undocumented immigrants – and has several times sued the federal government – he claims to have lost cases against Kavanaugh at least as often as he'd won.

Supreme Court immigration case could mean more family separations

[The Hill](#) [10/10/2018 7:30 AM, Liz Martinez, 3846K] reports that there are many potential consequences of an adverse decision in the upcoming case Nielsen v. Preap, which will be Justice Brett Kavanaugh's first major case as a member of the Supreme Court. The court is scheduled to hear oral arguments today to decide the scope of a little-known immigration provision, 8 U.S.C. §1226(c). Since 1996, federal immigration agents have used this provision to detain immigrants who have previous, often years-old, convictions, despite the life these individuals may have rebuilt since their release from criminal custody. Sometimes they haven't even served time in prison and are put directly on probation or pay fines. Once detained under the statute, they are not allowed a bond hearing to challenge their mandatory detention, meaning they remain behind bars for months – even years – in a prison-like environment rife with human and civil rights abuses.

Settlement In Family Separations Case Tentatively Approved

[Law360](#) [10/10/2018 8:13 PM, Nicole Narea, NY] reports that a California federal judge on Tuesday approved a preliminary settlement between the Trump administration and immigrants in three companion cases challenging family separations in detention, finding that the proposal appeared fair at the current stage of the litigation. U.S. District Judge Dana Sabraw assessed that the settlement was negotiated in good faith and that there has been sufficient examination of the claims at issue. He scheduled a hearing for Nov. 15 to further evaluate the fairness of the settlement and invited immigrant class members to speak then. The case is M.M.M. v. Sessions, case number 3:18-cv-01832, in the U.S. District Court for the Southern District of California.

Ending Haitians' Protected Status Not Arbitrary, Feds Say

[Law360](#) [10/10/2018 1:35 PM, Kevin Penton] reports that a New York federal court should toss a case challenging the Trump administration's decision to end temporary protected status for Haitians because the move was not capricious or arbitrary, the U.S. government argued Tuesday.

The Haitian individuals and advocacy organizations bringing the suit fail to establish that the decision to end the status in July 2019 violated the Administrative Procedure Act, the equal protection and due process clauses of the U.S. Constitution and other federal regulations as the move was made after appropriate input from government experts on the subject, federal lawyers told the U.S. District Court for the Eastern District of New York on Tuesday.

"The ... determination, based on input from appropriate government agencies, was

reasonable, as the temporary conditions that gave rise to Haiti's TPS designation had sufficiently subsided so as to permit Haitian nationals to safely return to Haiti," the government's memorandum says.

[NH] ACLU sues ICE over detained Somali refugee in New Hampshire

[Concord Monitor](#) [10/10/2018 12:05 PM, Ethan DeWitt, NH] reports that the New Hampshire ACLU is suing Immigration and Customs Enforcement (ICE) on behalf of a Somali refugee that the organization says is being unlawfully detained in the Strafford County jail. Abdigani Faisal Hussein, 45, was detained by ICE in March and sent to the Dover correctional facility, according to court filings submitted by the ACLU Tuesday to the U.S. District Court of New Hampshire in Concord. He has remained there since due to a conviction in 2002 for possession of "khat," a leafy plant that acts as a stimulant, the ACLU says. Under a 1996 federal statute, those arrested for alleged immigration violations can be held indefinitely if they have prior convictions. But the ACLU is arguing that the wording of that statute only applies to convictions that occurred just before the person was detained – not years after the fact. Without court action, the ACLU contends, Hussein could remain in jail for months or years while his deportation proceedings continue.

"Simply because of a 16-year-old conviction, ICE cannot detain Mr. Hussein indefinitely while his efforts to obtain protection under the Convention Against Torture and as a spouse of a U.S. citizen are pending," said SangYeob Kim, an immigration legal fellow with the state ACLU office. The ACLU says Hussein's requests for a bond hearing to address the justification for his detention have been blocked. On Sept. 26, an attempt by Hussein to get a hearing was denied by an immigration judge, who referenced the federal law allowing indefinite detention, according to the lawsuit. Citing an alleged violation of Hussein's habeas corpus rights, the ACLU is pressing for a court order to ensure a bond hearing in which the government must show "with clear and convincing evidence that Mr. Hussein is a danger to others or a flight risk," the filing reads. A spokeswoman for Immigrations and Customs Enforcement said the agency "does not comment on pending litigation."

[NY] Deportation case dropped for man arrested while delivering pizza to Army base

[VICE News](#) [10/10/2018 3:52 PM, Rex Santus, NY] reports that the federal government has officially dropped its deportation case against a man who was detained by Immigration and Customs Enforcement (ICE) while delivering pizza to a military base in Brooklyn, a spokesperson for the U.S. Attorney's Office in the Southern District of New York confirmed to VICE News. Pablo Villavicencio, who lives in Long Island with his wife and two daughters, was arrested in June during a routine delivery to the Army base after a staff member decided he didn't have adequate identification to enter the facility. While he obtained a day pass so he could enter the base, military officers discovered that Villavicencio had an active ICE warrant for his arrest, detained him, and called immigration officers to arrest him. They kept the pizza. The Legal Aid Society, which has represented Villavicencio since his arrest, says it will continue to represent him as he pursues legal residence in the United States.

[AZ] In Arpaio Case, Deeply Divided Ninth Circuit Stands By Decision to Appoint Special Prosecutor

[The Recorder](#) [10/10/2018 12:05 PM, Ross Todd] reports that the Ninth Circuit on Wednesday declined to review en banc an earlier decision to appoint a special prosecutor to defend the ruling of a lower court which refused to vacate the record of former Maricopa

County Sheriff Joe Arpaio after President Donald Trump pardoned him last year. "Ordinary criminal prosecutions are, of course, exercises of the executive power," wrote Circuit Judge William Fletcher, joined by five colleagues concurring in the denial of rehearing en banc. "Prosecutions for criminal contempt of court are different. Such prosecutions are vindications of the judicial power, and the use of private attorneys as special prosecutors is part of the judicial function," he wrote. Wednesday's ruling leaves in place an April ruling from a divided Ninth Circuit motions panel which found that the court had the authority to appoint a special prosecutor under Federal Rule of Criminal Procedure 42.

Enforcement News

Immigration enforcement program lacks transparency, new study says

[Fort Worth Star-Telegram](#) [10/10/2018 10:00 AM, Hanaa' Tameez, 72K, TX] reports that the 287(g) program is rapidly expanding in the United States and suffers from a lack of transparency, according to a new study published by the Center for American Progress. Under section 287(g) of the Immigration and Nationality Act, the program is a partnership between local law enforcement agencies and U.S. Immigration and Customs Enforcement (ICE). By entering into the agreement, law enforcement agencies receive delegated authority for immigration enforcement within their jurisdictions. Currently 78 law enforcement agencies across 20 states have entered into the 287(g) program. The Tarrant County Sheriff's Department is one of 25 Texas entities with 287(g) agreements. Texas is the state with the most agreements overall. The Center for American Progress explains that when a law enforcement agency enters into a 287(g) agreement, it dedicates local staff and resources to greater immigration enforcement. The Washington D.C.-based think-tank cites the absence of steering committees and community engagement as contributing factors to problems associated with the program.

[MA] Church, workers center to mark 1 year of sanctuary for Lucio Perez in Amherst

[MassLive](#) [10/10/2018 6:53 AM, Diane Lederman, 180K, MA] reports that on Oct. 19, Lucio Perez will have been in sanctuary at the First Congregational Church for one year. The church opened its doors to Perez, a Springfield resident, the day he faced deportation back to his native Guatemala. The church will recognize the anniversary and renew its commitment "to walking with the Perez family" in its worship service Sunday at 10:30 a.m. And on Oct. 20 at 4 p.m., the Pioneer Valley Workers Center will hold a "Day of Solidarity," hoping to attract 400 supporters to the church. Perez entered the U.S. illegally from Guatemala in 1999. He was identified as an undocumented immigrant by U.S. Immigration and Customs Enforcement in 2009, but was allowed to remain in the country as long as he regularly checked in with authorities. An Obama-era prioritization system granted stays of deportation to many immigrants who had entered the U.S. illegally but did not have criminal records. That changed after Donald Trump was elected president. The new administration prioritized removal of undocumented immigrants. Perez was fitted with an ankle bracelet and ordered to board a plane back to Guatemala on Oct. 19, 2017, but he instead took sanctuary at the church in Amherst. He left the church for a short time in May for an appendectomy. Perez said he continues to challenge his deportation order.

[MA] Man charged with attacking woman in Brookline ordered held without bail after court hearing

[Boston Globe](#) [10/10/2018 3:04 PM, John Hilliard, 854K, MA] reports that a 20-year-old Allston man accused of trying to sexually assault a woman over the weekend was ordered held without bail by a judge following a dangerousness hearing at Brookline District Court Wednesday. Mainor E. Suazo-Martinez, a native of Honduras, was ordered held without bail for up to 120 days after Brookline District Court Judge Mary Dacey White ruled Suazo-Martinez was a danger to the community. Suazo-Martinez was charged with abducting, strangling, and trying to rape a woman early Saturday morning. The same day Suazo-Martinez was arrested by Brookline police, ICE Enforcement and Removal Operations, Boston, lodged a detainer request with Brookline police so the federal immigration agency can seek custody of him "following resolution of his current local charges," ICE spokesman John Mohan told the Globe in an e-mail. Suazo-Martinez is due back in the Brookline court for a probable cause hearing Nov. 13.

[CT] Indonesian Man Spends Year In Church Sanctuary

[WSHU Public Radio](#) [10/10/2018 9:31 AM, Cassandra Basler, CT] reports that one year ago, a former Fulbright Scholar from Indonesia who was living in West Hartford, Connecticut, sought sanctuary from deportation at a church in Meriden. Sujitno Sajuti and his wife, Dahlia, still live in the Unitarian Universalist Church while his case sits before the U.S. immigration court of appeals. Tuesday evening supporters will gather to mark the anniversary. Alok Bhatt, one of those supporters who works with the Connecticut Immigrant Rights Alliance, said Immigration and Customs Enforcement, or ICE, has not considered a stay on Sajuti's deportation order. "They're really not budging," Bhatt said of ICE. "I think they feel pretty emboldened and very empowered by really not giving any leeway to an elderly man who has given his better years to educating himself here and trying to pass that education and his own experience forward." Bhatt said Sajuti is a scholar who overstayed his student visa. Sajuti has lived in sanctuary longer than any other immigrant in the state who recently sought relief from deportation at a church. ICE considers churches, schools, and hospitals sensitive locations where officials will not enter. [Editorial note: consult source link for audio]

[NY] For a Guatemalan Teen in Brooklyn, the Path to Asylum Has Narrowed

[WNYC](#) [10/10/2018 4:00 AM, Beth Fertig, 122K, NY] reports that as a boy living in a mountain village in Guatemala, Melvin knew he was a prime target for gangs looking to expand their drug business. He said they'd approach students on their way home from school and try to get them to join by acting friendly. But one day last fall, when he was 17, a group of young men surrounded him and some friends. When he refused to join their gang, he said, they got violent. Afraid for his life, Melvin and his parents decided he had to leave Guatemala and join relatives in Brooklyn. Now living in Bushwick, he's in an agonizing form of limbo. Like thousands of other unaccompanied minors who come to the U.S. without their parents each year, Melvin is seeking asylum and has no legal status — which is why WNYC agreed not to reveal his real name. Now 18, he's slim with thick black hair. He's shy and talks softly, often looking away, and can point to the fading scars where he said he was cut. But he arrived in the U.S. at a difficult time for immigrants. President Trump's Attorney General, Jeff Sessions, has narrowed the standards immigration judges use when deciding whether to grant or deny it. As a result, odds that were long before are now even longer.

[PA] Undocumented Mom Leaves Church Sanctuary After 10 Months To Plead For Asylum

[Huffington Post](#) [10/10/2018 1:38 PM, Sebastian Murdock, 9842K] reports that an undocumented woman in Philadelphia left a church sanctuary after 10 months on Wednesday to plead with Democratic Sen. Bob Casey to help her and her children stay in the country. The woman, Carmela Apolonio Hernandez, 37, fled Mexico in 2015 with her four children after her brother and two nephews were gunned down by gang members. She said she and her family were threatened by the same group of criminals, Philly.com reported. Hernandez's petition for asylum was denied, and Immigration and Customs Enforcement officials attempted to deport her and her family in December. But guidelines for the agency discourage agents from taking immigrants from places such as churches, schools and hospitals. So she went to the Church of the Advocate to seek safety. She left that safety Wednesday and went to Casey's office to plead that she and her children not be deported. At Casey's office, Hernandez spoke to him on the phone but was told there was nothing he could do to meaningfully push back against President Donald Trump's policies on unauthorized immigration, reporter Joshua Albert said on Twitter. Fearing that she will be detained for deportation when she leaves the building, Hernandez told reporters Wednesday afternoon that she would not leave Casey's office until her demands were met.

Reported similarly:

[Philadelphia Inquirer](#) [10/10/2018 9:23 AM, Jeff Gammage, 150K, PA]

[Morning Call](#) [10/10/2018 11:55 AM, Rachel DeSantis, 110K, PA]

[VA] Attorney says ICE policy benefits woman seeking asylum in church

[WDBJ](#) [10/10/2018 4:11 PM, Staff, VA] reports that a Guatemalan woman taking shelter in a Charlottesville church to avoid deportation is relying on an Obama-era policy that prevents immigration enforcement in sensitive spaces including hospitals, schools and churches. The 2011 policy is known informally as the Morton Memo, named for former Immigration and Customs Enforcement Director John Morton. According to the ICE website, the agency does still follow the policy, and the attorney for the woman seeking asylum believes the agency won't detain her client as long as she remains in the Wesley Memorial United Methodist Church. "I think that it would be very bad for ICE, only in terms of public opinion," said Alina Kilpatrick, who is representing 44-year-old Maria Chavalan Sut. An ICE spokesperson declined to immediately comment on Chavalan Sut's case, citing a need for more information.

[TN] 18 people charged with immigration law violations in Memphis

[Commercial Appeal](#) [10/10/2018 2:54 PM, Phillip Jackson, TN] reports that federal prosecutors charged 18 individuals on Wednesday for violations of U.S. immigration laws as a part of an enforcement operation with the U.S. Immigration and Customs Enforcement. U.S. Attorney D. Michael Dunavant said the charges came between Sept. 19 and Oct. 4. All 18 people were arrested on federal firearms charges and charges of illegal re-entry after deportation, federal prosecutors said. Eleven indictments that had remained under seal were returned by federal grand juries between Sept. 19 and Sept. 27, federal prosecutors said. There was a four-day enforcement operation where prosecutors brought criminal complaints against seven more people, federal prosecutors said. Another 13 individuals were detained during the operation on administrative immigration charges, federal prosecutors said.

[WREG 3](#) [10/10/2018 7:26 PM, Andrew Ellison, 55K, TN] reports that ICE says operations like this will continue and says the same kinds of undocumented immigrants will be

targeted. "That's the worst of the worst. Those are the ones we're going after and we will continue to do that as we go along," ICE Assistant Field Office Director Ronald Johnson says.

[TX] The U.S. Is Set To Deport Witnesses Who Dispute The Border Patrol's Version Of A Fatal Shooting

[BuzzFeed](#) [10/10/2018 5:02 PM, Adolfo Flores, 11771K] reports that three men who were on the scene when a Border Patrol agent shot and killed a 20-year-old Guatemalan woman near the U.S.-Mexico border in May are expected to be deported soon, a representative of their government has told BuzzFeed News. Guatemalan General Consul Tekandi Paniagua said the men, ages 18, 19, and 21, have told U.S. Immigration and Customs Enforcement and the FBI that they want to return to Guatemala and are expected to drop their efforts to stay in the United States at an immigration hearing set for Monday. Two of the men have told authorities that they did not see the shooting, Paniagua said, but the consulate described the third as a possible eyewitness.

[WA] Asylum seeker at Tacoma jail goes 50 days without food

[Crosscut Seattle](#) [10/10/2018 8:02 AM, Lilly Fowler, 26K, WA] reports that over the past two years, the United States has made it more and more difficult for foreign nationals to attain asylum. There are geopolitical consequences for this shift in policy. And there are personal consequences for those who come anyway, claiming that they are fleeing danger in their homelands. One such individual currently sits at the Northwest Detention Center in Tacoma — without food now for 50 days. He is a man in his 30s from Buryatia, a Russian republic located in Siberia, just north of Mongolia, and known for its mountain ranges and punishing winters. He arrived in the United States to seek asylum last December. He turned himself in at San Ysidro, a border crossing that sits between Tijuana and San Diego, only to land in the Tacoma detention center a few weeks later.

Sitting behind glass in a gray sweatshirt underneath a dark blue prison shirt on Sunday, the detainee looked gaunt and pale. He has been participating in a hunger strike for what was then 47 days – one of the longest hunger strikes in the recent history of the Tacoma detention center. If he didn't look even worse for wear, it was because U.S. Immigration and Customs Enforcement, or ICE, had obtained a court order on Sept. 6 for involuntary hydration and medical treatment. ICE has pursued hydration and force-feeding orders in the past, but such orders are typically under seal. Tanya Roman, a public affairs officer with ICE, appeared to deny the existence of the court order allowing forced hydration, saying in an email that "one detainee is voluntarily drinking a meal replacement shake in lieu of their daily scheduled meals. We are not seeking a court order as there is no present need to medically intervene ... ICE respects the rights of all people to voice their opinion without interference," she continued. "ICE does not threaten or retaliate in any way against hunger strikers and explains the negative health effects of not eating to our detainees. Additionally, for their health and safety, ICE closely monitors the food and water intake of those detainees identified as being on a hunger strike." Roman later maintained the Buryatia detainee started drinking voluntarily and that ICE never used the forced hydration order. She also said the agency "is not currently seeking and/or using an order to force any detainees to eat at the NWDC."

[CA] Majority of Immigrant Detainees in San Diego Don't Have Criminal Convictions, Data Shows

[Voice of San Diego](#) [10/10/2018 11:51 AM, Maya Srikrishnan, CA] reports that more than half of individuals in Immigration and Customs Detention nationwide and in San Diego County don't have criminal convictions, according to new data released by the Transactional Records Access Clearinghouse, a nonpartisan research entity at Syracuse University. TRAC obtained records for more than 44,000 individuals being held in detention facilities by ICE across the country on June 30. The analysis paints a picture of who the agency has been detaining. ICE press releases of immigrant arrests constantly characterize those arrested as dangerous. But TRAC's data finds that 58 percent of individuals in custody had no criminal record. In San Diego County, 563 of 959 people in ICE custody, or 59 percent, have no criminal conviction, according to the data. Another 9 percent have misdemeanor convictions for illegal entry or driving under the influence – the two most common criminal convictions of detainees in the county.

ICE disputes TRAC's numbers. ICE spokeswoman Sarah Rodriguez said in an e-mailed statement that an analysis of ICE's detainee population at "nearly the same time" – on June 23 – showed that 54 percent had a criminal conviction or pending charges. Seventy percent of the detainee population was subject to "mandatory detention," Rodriguez said. Federal immigration laws mandate the detention of immigrants who may be involved in terrorism, have certain criminal convictions, who have recently arrived at the border or those who are in the expedited removal process, according to ICE. ICE did not release San Diego-specific numbers about detainees with criminal convictions. "U.S. Immigration and Customs Enforcement focuses detention resources on mandatory detention cases and aliens with criminal activity; however, no category of alien is exempt from enforcement," Rodriguez said. "All aliens in ICE custody are detained as a result of immigration violations ... As an agency, ICE is charged with administrative civil detention, which means individuals who come into ICE custody can only be detained for the purposes of furthering an immigration case or removal from the country. ICE makes custody determinations in accordance with U.S. law and [Department of Homeland Security] policy."

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS
www.TechMIS.com

Friday, Oct. 12, 2018

Executive Office for Immigration Review

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[PA] After Prison Sentence, 'Real Housewives' Husband Will Be Deported To Italy
[Forbes](#) [10/12/2018 5:46 AM, Kelly Phillips Erb] reports that this week, the Giudice family learned that Teresa's husband, Giuseppe "Joe" Giudice, won't have the same opportunity. An immigration judge ruled that Joe will be deported to Italy after completing his prison sentence. Joe attended an immigration hearing in York, Pennsylvania via teleconference to learn his fate. At the hearing, Judge John Ellington said, "Based upon the law, I find you deportable and ineligible for any kind of relief." Joe is slated to be released from prison in March. However, the threat of deportation has been a possibility since his original sentencing. Joe, who is not a U.S. citizen, was told by federal Judge Esther Salas that, after prison, he would face immigration proceedings which would "likely result in ... your being removed from the United States." At sentencing, the court clarified that the decision whether to deport Joe would be made by U.S. Immigration and Customs Enforcement following his prison sentence.

[PA] Joe Giudice's Deportation Is 'Breaking His Heart,' Source Says: 'He Didn't Deserve This'

[People](#) [10/11/2018 1:16 PM, Dave Quinn and Aurelie Corinthios] reports that Joe Giudice is struggling to come to terms with an immigration court's ruling on Wednesday to deport him to his native Italy after his prison sentence. "Joe has changed a lot since he's been in prison," a source tells PEOPLE. "He's a lot calmer, and I think the experience has really showed him how important his family is. This is breaking his heart." Even though Joe has lived in America since he was a child, he never obtained citizenship, and immigrants can be deported from the United States if they are convicted of "a crime of moral turpitude" or an "aggravated felony," according to U.S. law. Joe has 30 days to appeal the court's decision, though it remains unclear whether he will do so. When reached by PEOPLE, his immigration attorneys did not yet have comment. James J. Leonard Jr., the Giudice family attorney, also declined to comment on Wednesday's news, as did Bravo.

[PA] Teresa Giudice Is 'Scared' as Joe Faces Deportation, Source Says: How Her 4 Daughters Are Coping

[People](#) [10/11/2018 5:13 PM, Staff, 3772K, NY] reports that as Teresa Giudice comes to terms with her husband's looming deportation, she fears the unknown. "Teresa is trying her best to stay strong and put on a brave face for her kids, but there's been a shakiness in Teresa's voice she doesn't usually have. She's scared," a source close to the mother of four tells PEOPLE. On Wednesday, a judge ruled that her husband, Joe, will be deported to his native Italy at the end of his prison sentence. (Even though Giudice has lived in America since he was a child, he never obtained American citizenship, and immigrants can be deported from the United States if they are convicted of "a crime of moral turpitude" or an "aggravated felony," according to U.S. law.) "The girls all love their dad very much, especially Milania, who has always been a daddy's girl. I think the girls have just as many questions as Teresa has right now, but there aren't any answers," the source says. "Luckily, they live busy lives with school and activities, so there's a lot to help them keep their mind off of it."

Policy and Legislative News

The Trump Administration Carried Out Thousands More Family Separations Than Previously Acknowledged

[The Intercept](#) [10/11/2018 10:41 AM, Ryan Devereaux, Alice Speri and Cora Currier, 441K] reports that more than a year after the Trump administration quietly began a program of separating migrant children from their families along the U.S.-Mexico border, the full number of people impacted remains unclear. According to a new report, however, the government's own data indicates that the campaign was far more expansive – and far more destructive – than previously acknowledged. Figures provided by U.S. Customs and Border Protection detail the separation of 6,022 "family units" from April 19, 2018 to August 15, 2018, according to a report published by Amnesty International on Thursday. Noting that the term "family unit" has varying applications in the U.S. immigration enforcement world – sometimes referring to individuals in a family, and at other times referring to family groups containing multiple people – Amnesty observes that even on the low end, the figure reflects the largest total ever disclosed by the border enforcement agency in the context of the family separation crisis. Using available statistics from the last two years, Amnesty further reports that in 2017 and 2018, the Trump administration appears to have separated approximately 8,000 "family units" along the border. Even if half of the people referred to in

that figure were parents, the remaining 4,000 children would dwarf the total number of kids commonly reported to have been impacted by the "zero tolerance" campaign – that total tends to hover between 2,500 to 3,000.

Katie Waldman, a DHS spokesperson, mischaracterized Amnesty's findings in her emails to The Intercept and, despite repeated follow-ups, did not explain the disparity between the numbers provided by CBP and those previously acknowledged by authorities, including in response to the *Ms L v. ICE* class action lawsuit. Instead, Waldman issued the following statement: "This is a deeply flawed, inaccurate report authored by an open-borders activist group. In fact, many of its so-called 'findings' contradict data provided in federal court by the government, the ACLU, and Judge [Dana] Sabraw. It is not even remotely credible and should not be treated as such. Individuals looking for an accurate accounting of the Administration's Zero Tolerance efforts should examine the *Ms L* court filings which identified 103 children between the ages of 0 and 4 who are potential class members and 2,551 children between the ages of 5 and 17 who are potential class members."

[Vox](#) [10/11/2018 5:00 PM, Dara Lind, 3472K, DC] reports that the data also sheds light on another tool that immigration agents have used to separate families: alleging that the family isn't really a family at all. Customs and Border Protection officials told Amnesty that cases of suspected "fraud" aren't reliably counted as separations. Not all of the parents were told why they had been separated from their children, but some were told that they hadn't proven there was a relationship; in other cases, CBP officials told Amnesty that neither the adult nor child had provided documentation. In one case, four fathers were forcibly separated from their children upon arriving in the U.S. in fall of 2017, with no reason given for the separation; ICE told Amnesty that they had not provided identification documents, but CBP confirmed that ID documents were in the fathers' and children's files.

Reported similarly:

[Newsweek](#) [10/11/2018 5:53 PM, Daniel Moritz-Rabson, 2126K]

[ThinkProgress](#) [10/11/2018 10:40 AM, Rebekah Entralgo]

The Trump administration's questionable data on family separations

[Washington Post](#) [10/12/2018 3:00 AM, Salvador Rizzo, 11614K] reports, "There is a central database which HHS and DHS can access and update when a parent(s) or minor(s) location information changes." "As of June 20th HHS has 2,053 separated minors being cared for in HHS funded facilities, and is working with relevant agency partners to foster communications and work towards reuniting every minor and every parent or guardian via well-established reunification processes." This is according to a fact sheet on family separations from the Department of Homeland Security released June 23, 2018. We're going back in time to find out whether the Trump administration gave accurate data for family separations and reunifications this summer. The administration was not prepared for its own policy of separating immigrant families at the U.S.-Mexico border and produced questionable numbers on separated and reunified families, according to a Sept. 27 report from the Department of Homeland Security's inspector general. Inconsistencies and flaws tainted the Trump administration's data for a period covering at least late June and apparently "many weeks" afterward, the Office of Inspector General found. "As a result, DHS has struggled to provide accurate, complete, reliable data on family separations and reunifications, raising concerns about the accuracy of its reporting." On July 12, DHS reported in a news release that there were 103 children under age 5 covered by a federal

court's reunification order in *Ms. L v ICE*. Fifty-seven of them had been reunited with their families and 46 were ineligible for various legal reasons, DHS said.

The government says it will help reunite families they separated at the border — but not all of them

[MSN News](#) [10/11/2018 6:51 PM, Staff, 61573K] reports that the U.S. government last month gave advocacy groups a list of families it will help reunify after separating them at the southern border during the Trump administration's "zero-tolerance" policy. The list doesn't include every family separated at the border. The government's list leaves out hundreds — possibly thousands — of families like Magdalena and Maria, a mother and daughter from Guatemala who aren't included. Magdalena was separated from her then 6-year-old daughter, Maria, in 2017 and then deported to Guatemala without her in January 2018. They were part of a pilot program, a trial run of the zero-tolerance policy that occurred almost a year before its full implementation in 2018. A report from Amnesty International released Thursday challenges the numbers U.S. government agencies have provided in court and provides a sense of how many families may be in a similar situation.

For this mother and daughter, separated a year ago at the southern border, Trump's 'zero-tolerance' policy isn't new

[WKSU 89.7](#) [10/11/2018 2:17 PM, Ashley Cleek and Barbara P. Fernandez, 7K, OH] reports that according to a memo obtained by the Washington Post and signed by the heads of Immigration and Customs Enforcement, U.S. Citizenship and Immigration Services and Customs and Border Protection, when Maria and Magdalena were separated, the Trump administration was conducting a pilot program at the border. According to the memo, the adults who crossed the border were detained for criminal prosecution and possibly deported, while any children they arrived with were sent to government facilities run by the Office of Refugee Resettlement. On May 7, 2018, Attorney General Jeff Sessions held a news conference in front of the border fence near San Diego, affirming that the government has indeed committed to separating children from their parents if they cross the border between checkpoints. "I have put in place a zero-tolerance policy for illegal entry on our southwest border. If you cross this border unlawfully, then we will prosecute you. It's that simple. If you smuggle illegal aliens across our border, then we will prosecute you. If you are smuggling a child, then we will prosecute you and that child will be separated from you as required by law," he said. A week later, Homeland Security Secretary Kirstjen Nielsen testified to Congress that her agency's policy is to prosecute "anyone who breaks the law," including parents traveling with their children who cross the border outside of a checkpoint. [Editorial note: consult source link for audio]

ICE put a 4-year-old on a plane to Guatemala. Her dad found out 30 minutes before she landed

[CNN](#) [10/11/2018 11:23 PM, Catherine E. Schoichet] reports that six months after U.S. officials separated them at the border, ICE put a 4-year-old girl on a plane to Guatemala this week so she could be reunited with her father. But there was one major problem, according to advocates who worked on the case: The man didn't learn his daughter was coming until 30 minutes before her flight was set to land in Guatemala City. He lives eight hours away — too far to get there in time. After half a year apart from her father, the girl would have to spend another night in a shelter alone. The case sparked fury and frustration this week from advocates working to help reunite children with deported parents. It's an example, they said, of a reunification effort that remains needlessly chaotic at times, even months after a federal

judge ordered the U.S. government to reunite the immigrant families it separated. ICE spokeswoman Sarah Rodriguez declined CNN's request for comment on the 4-year-old's case and the reunification process, citing the pending litigation.

U.S. officials have been keeping migrants from crossing bridges. Now, Mexico is doing the same.

[Texas Tribune](#) [10/12/2018 1:01 AM, Teo Armus, 131K, TX] reports that it was the third time Ingrid had tried to make it across an international bridge into Texas. The first time, she said, Mexican officials stopped her on the bridge into Laredo and demanded that she pay \$1,500 for her and her two children to cross into the United States, where she planned to seek asylum. Ingrid, who declined to give her last name to protect her safety, said Mexican authorities later told her that if she attempted to cross the border again, her Mexican residency would be stripped and she would be deported to Guatemala. It's a move immigration lawyers say is becoming increasingly common along Mexico's northern border following months of shifting U.S. immigration enforcement strategies that have prevented some migrants like Ingrid from entering the United States to seek asylum. This time, it's Mexican officials who are cracking down.

U.S. asks Central America to do more on illegal immigration

[Washington Post](#) [10/11/2018 4:51 PM, Luis Alonso Lugo] reports that Vice President Mike Pence told leaders of three Central American countries on Thursday that the U.S. is ready to do more to help their economies if they make a greater effort to fight illegal immigration. "If you do more, I'm here to say on behalf of the president of the United States and the American people, we'll do more," Pence said as he opened a conference at the State Department. Pence thanked President Juan Orlando Hernandez of Honduras, President Jimmy Morales of Guatemala and Vice President Oscar Ortiz of El Salvador for having made progress since they met for the first time last year in Miami. But he said that over the last year alone more than 225,000 people from the three Central American countries had attempted to illegally enter the United States, accounting for more than half of all illegal immigrants apprehended at the southern border. He said while the number of arrests from El Salvador has declined, the flows from Honduras and Guatemala are up 61 percent and 75 percent, respectively.

Expect more deportations with new USCIS policy

[Asian Journal](#) [10/11/2018 5:46 AM, Staff, CA] reports that on June 28, 2018, the United States Citizenship & Immigration Services ("USCIS") issued a new policy memorandum that will affect individuals who apply for immigration benefits in the United States. In the memo, USCIS announced that immigration officers will have more authority to issue a Notice to Appear ("NTA") to people whose applications for immigration benefits have been denied. This new policy took effect on October 1, 2018, and USCIS officials anticipate that more NTAs will be issued in cases where the person does not currently have the lawful authority to reside in the United States. The NTA policy may seem intimidating and confusing to understand, but you should not be discouraged from applying for immigration benefits. A qualified immigration attorney can help you navigate the immigration processes as policy changes begin to take effect. First, an NTA is the document issued by the Department of Homeland Security that initiates Removal proceedings, commonly referred to as Deportation proceedings. If you have been issued an NTA, you are required to appear in Immigration Court. The NTA will list the date, time and place of your hearing before an

Immigration Judge. It is the Immigration Judge who will ultimately decide whether you may remain in the United States.

Army expelled 500 immigrant recruits in 1 year

[Washington Post](#) [10/11/2018 7:16 PM, Martha Mendoza and Garance Burke] reports that over the course of 12 months, the U.S. Army discharged more than 500 immigrant enlistees who were recruited across the globe for their language or medical skills and promised a fast track to citizenship in exchange for their service, The Associated Press has found. The decade-old Military Accessions Vital to the National Interest recruiting program was put on hold in 2016 amid concerns that immigrant recruits were not being screened sufficiently. The Army began booting out those enlistees last year without explanation. The AP has interviewed more than a dozen recruits from countries such as Brazil, Pakistan, Iran, China and Mongolia who all said they were devastated by their unexpected discharges or canceled contracts. Until now, it's been unclear how many were discharged and for what reason because the Army has refused to discuss specific cases. But the Army's own list, submitted to the U.S. District Court for the District of Columbia last month, says 502 service members who enlisted under MAVNI were discharged between July 2017 and July 2018.

DHS rule change would harm immigrant, citizen health outcomes

[The Hill](#) [10/11/2018 4:30 PM, Kathryn Pitkin Derosé] reports that the "public charge" rule that affects who can enter the U.S. legally and possibly gain legal permanent resident status is set to be amended, according to a Department of Homeland Security (DHS) document published Wednesday in the Federal Register. The proposed changes could jeopardize decades of progress towards improved healthcare access and health for immigrants and U.S. citizens. These changes would make authorized immigrants who receive Medicaid ineligible for green cards and visas and, in some cases, subject them to deportation. (Some classes of immigrants are exempted from the public charge rule, such as refugees and asylees). As noted in the document from DHS, the change in definition of "public charge" will have repercussions for health-care access for many immigrant families and, potentially, for the health of U.S. citizens as well.

[PA] Punishment for 'sanctuary cities' moves forward in Pennsylvania legislature

[Delaware Online](#) [10/11/2018 1:19 PM, Sarah Anne Hughes, 43K, DE] reports that a bill that targets Philadelphia and other Pennsylvania municipalities that refuse to detain undocumented immigrants without criminal warrants moved out of a state House committee Wednesday. The bill to punish so-called "sanctuary cities" was passed by the Pa. Senate last year, and this approval sets it up for a House floor vote. Originally, the bill by Allegheny County Republican Sen. Guy Reschenthaler proposed withholding all state grants from any sanctuary city, referred to in the legislation as a "municipality of refuge" that "permits, requires or requests" a person's release in spite of a detainer request from Immigration and Customs Enforcement. Those detainers are written requests from ICE, as opposed to criminal warrants issued by a judge, and many municipalities in Pennsylvania currently refuse to enforce them, including Philadelphia.

[NC] Trump administration wins first conviction for non-citizen voting

[ThinkProgress](#) [10/11/2018 8:34 PM, Joshua Eaton, 799K, DC] reports that the Justice Department secured the first conviction this week in its hunt for the millions of non-citizens President Donald Trump has claimed voted illegally in 2016. Italian citizen Alessandro Cannizzaro, 47 of North Carolina, pleaded guilty to one misdemeanor count of voting by an

alien. Cannizzaro, a registered Republican, passed a citizenship test in 2003 but officials never let him know when he could take his citizenship oath. His guilty plea could put him at risk of deportation by Immigration and Customs Enforcement – even though he has lived in the U.S. for 20 years, has a wife and two children here, and has no previous criminal record.

[IL] Chicago to Sue Justice Department Again Over Move to Deny Funding to Sanctuary Cities

[NBC 5 Chicago](#) [10/12/2018 4:51 PM, Chris Hush, IL] reports that Mayor Rahm Emanuel announced Friday that the city of Chicago will file a new lawsuit against the U.S. Department of Justice over efforts to block funding to sanctuary cities. The lawsuit marks the city's second in two years against the DOJ. Emanuel said federal officials are imposing unlawful conditions on the city in order to be eligible for millions of dollars that could be used to fight crime. The city's first lawsuit argued that the Justice Department cannot make grants contingent on these requirements because they would "effectively federalize local detention facilities" and violate the Fourth Amendment of the U.S. Constitution in requiring detainees to be held beyond the timeframe in which they would otherwise be eligible for release. This time, the city is still waiting on more than \$2 million from the 2017 grant, according to the mayor's office, which said it has yet to receive an award letter for this year's grant. The DOJ's shift in requirements is part of President Donald Trump's administration's efforts to crack down on sanctuary cities, the term used for jurisdictions that do not comply with federal requests to detain undocumented immigrants who have been arrested on charges unrelated to their immigration status and turn them over to U.S. Immigration and Customs Enforcement for possible deportation.

[TX] The Five-Year-Old Who Was Detained at the Border and Persuaded to Sign Away Her Rights

[New Yorker](#) [10/11/2018 5:10 PM, Sarah Stillman, 2547K, NY] reports that while crossing the Rio Grande in the journey's final stretch, Helen slipped from their raft and risked drowning. Her grandmother grabbed her hand and cried, "Hang on, Helen!" When the family reached the scrubland of southern Texas, U.S. Border Patrol agents apprehended them and moved them through a series of detention centers. Noehmi remembers the authorities explaining that Helen's mother would be able to retrieve her, soon, from wherever they were taking her. The next day, authorities – likely from the Office of Refugee Resettlement – called to say that they were holding Helen at a shelter near Houston; according to Noehmi, they wouldn't say exactly where. Helen had been brought to Baytown, a shelter run by Baptist Child and Family Services, which the federal government had contracted to house unaccompanied minors. According to a long-standing legal precedent known as the Flores Settlement, which established guidelines for keeping children in immigration detention, Helen had a right to a bond hearing before a judge; that hearing would have likely hastened her release from government custody and her return to her family. At the time of her apprehension Helen checked a box on a line that read, "I do request an immigration judge," asserting her legal right to have her custody reviewed. But, in early August, an unknown official handed Helen a legal document, a "Request for a Flores Bond Hearing," which described a set of legal proceedings and rights that would have been difficult for Helen to comprehend. On Helen's form, which was filled out with assistance from officials, there is a checked box next to a line that says, "I withdraw my previous request for a Flores bond hearing." Beneath that line, the five-year-old signed her name in wobbly letters.

[AZ] Talking ICE: Explaining the surge of immigrants released in Arizona

[KTAR News](#) [10/11/2018 4:32 PM, Martha Maurer, 30K, AZ] reports that KTAR News' Martha Maurer sat down Thursday with Henry Lucero, Phoenix field office director for U.S. Immigration and Customs Enforcement. The topic: understanding why hundreds of immigrants have been released from ICE custody and dropped off at churches across Arizona.

On Monday, about 100 immigrants, adults and children alike, arrived at Shadow Rock United Church of Christ in Phoenix. Most had arrived at the Arizona-Mexico border in recent days and weeks, asking for asylum. The following evening, roughly 100 others were bused to First Congregational United Church of Christ in Phoenix. Similar drop-offs have occurred at churches in Tucson and Yuma. "This happens every day across the Southwest border," Lucero said. "However, the volume has increased ... because CBP [Customs and Border Protection] is apprehending much larger numbers than previous weeks and months." Lucero linked the increase of drop-offs to larger numbers of immigrants arriving at the border. In at least one Arizona border sector, Yuma, apprehensions of immigrants this year are on track to double from a year ago. The Yuma sector had previously seen a dramatic decrease in apprehension over the decade prior. It is estimated that about 85 percent of immigrants who attempt to cross the border into Arizona are from Guatemala, Lucero said. Most of the family units recently released by ICE are from Central America. [Editorial note: consult source link for video]

[AZ] Border officials alarmed by migrants abandoned in the desert

[New York Times](#) [10/11/2018 9:43 AM, Associated Press] reports that smugglers in recent weeks have been abandoning large groups of Guatemalan and other Central American migrants in Arizona's harsh cactus-studded Sonoran Desert near the border with Mexico, alarming Border Patrol officials who say the trend is putting hundreds of children at risk. Collectively, more than 1,400 migrants have been left by smugglers in the broiling desert – or in one case in a drenching thunderstorm – in remote areas by the border since Aug. 20. One group was as large as 275 people. "We've seen large groups in the past, but never on this scale," Tucson-based Border Patrol Agent Daniel Hernandez said. "It's definitely a serious concern because their safety is being put in jeopardy." U.S. Immigration and Control Enforcement in Arizona began releasing hundreds of people Sunday to await court dates, saying it didn't have the capacity to hold an "incredibly high volume" of migrant families showing up at the border. Republican Sen. Jon Kyl of Arizona on Wednesday asked Department of Homeland Security Kirstjen Nielsen and other officials to investigate ways of dealing with a wave of migrants he said was overwhelming Yuma and other parts of southern Arizona. He said at a Senate hearing that he worried about people being threatened "by an enormous number of illegal entrants ... some of whom may not be making asylum claims." Nielsen said she didn't know how many of the migrants in southern Arizona had made asylum claims, but would look into it.

[AZ] Kyl presses Nielsen on release of migrant families from custody

[Pinal Central](#) [10/11/2018 12:36 PM, Vandana Ravikumar, 7K, AZ] reports that Abeth Spencer said that most of the 100 immigrants that the Shadow Rock United Church of Christ took in this weekend at the request of Immigration and Customs Enforcement officials had already moved on by Wednesday. The Phoenix church was one of several nonprofits in the state that provided shelter, food and laundry services for the families for a brief time before putting them on buses to friends or family members elsewhere who will keep them

until their next immigration hearing.

Spencer said the Phoenix church is ready to take more if asked by ICE, which released hundreds of migrant families to non-governmental organizations to help it ease a backlog of cases. Sen. Jon Kyl, R-Arizona, wants to know how many more. Kyl pressed Homeland Security Secretary Kirstjen Nielsen for answers at a Senate hearing Wednesday, saying the releases have "overburdened" nonprofits and stressed residents and elected officials in border towns who fear immigrants will be "flooding into the community." Nielsen could not offer many specifics at the Senate Homeland Security and Governmental Affairs Committee hearing, saying her agencies simply don't have the capacity to process all the cases they have in a timely manner. She urged Congress to take steps that would let her keep families in custody longer than the 20-day limit for holding migrant children set in the so-called Flores settlement. Typically, before it releases a family from custody, ICE conducts a review of the family's "post-release plan." That includes confirming bus routes to their final destinations, coordinating with nonprofits to provide temporary shelter and other resources, and communicating with family members, according to a statement from ICE spokesperson Yasmeen Pitts O'Keefe. ICE was forced to skip that review and instead called on nonprofits around the state and asked them to help provide temporary shelter and transportation for migrant families while they wait to move on.

The [AZ Mirror](#) [10/11/2018 4:29 AM, Laura Gomez, AZ] reports that Pitts O'Keefe said officials expect the high volume of migrants being released to continue. "After decades of inaction by Congress, the government remains severely constrained in its ability to detain and promptly remove families that have no legal basis to remain in the United States," Pitts O'Keefe said in a statement. "As a result, family units continue to cross the border at high volumes and are likely to continue to do so, as they face no consequence for their actions." ICE's statement mirrors language Nielsen used a month ago, when the U.S. Department of Homeland Security and U.S. Department of Health and Human Services proposed changes to do away with court limits on detention of child migrants. "Today, legal loopholes significantly hinder the Department's ability to appropriately detain and promptly remove family units that have no legal basis to remain in the country," Nielsen said in a statement to several media outlets. "This rule addresses one of the primary pull factors for illegal immigration and allows the federal government to enforce immigration laws as passed by Congress."

Additional reporting: [KTAR](#) [10/11/2018 4:29 AM, Griselda Zetino, AZ]

[CA] At Largest ICE Detention Center in the Country, Guards Called Attempted Suicides "Failures"

[The Intercept](#) [10/11/2018 7:48 PM, Alice Speri, 441K] reports that according to the OIG report, inspectors visiting Adelanto found braided bedsheets hanging as "nooses" in 15 of the 20 cells they visited — a violation of ICE standards that prohibit detainees from hanging or draping objects from furniture or fixtures. "I've seen a few attempted suicides using the braided sheets by the vents and then the guards laugh at them and call them 'suicide failures' once they're back from medical," one detainee told inspectors. The report says that a senior ICE official told inspectors that "ICE management at Adelanto does not believe it is necessary or a priority to address the braided sheets issue." Both ICE and the GEO Group said the report lacked appropriate "context," but pledged to review the center's practices and address issues. A spokesperson for ICE said in a statement in response to the report that "the safety, rights and health of detainees in ICE's care are of paramount concern and

Adelanto, like all ICE detention facilities, is subject to stringent, regular inspections." The spokesperson added that "ICE takes seriously the OIG's findings and has agreed to conduct a full and immediate review of the center to ensure compliance with detention standards and expedite necessary corrective actions." The ICE spokesperson listed a number of measures in place at the agency to monitor facilities, including reviews by a third-party contractor. Facilities receiving a less than acceptable rating must be scheduled for a follow-up inspection within six months, the spokesperson said, and if a facility receives two consecutive final ratings of less than acceptable, ICE must discontinue use of the facility.

[CA] An interview with HSI's Mark Zito on California's sanctuary state law

[KPBS](#) [10/11/2018 12:24 PM, Staff, CA] reports that more than a dozen cities in California have sided with Los Alamitos in defying the state law. Mark Zito is assistant special agent in charge of ICE's Homeland Security Investigations in the L.A. area. He says the sanctuary state law is having the unintended consequence of complicating investigations into serious crimes like human trafficking. "I feel that this has become a political issue, and it really should be a non-partisan issue, and it's a public safety issue. HSI is here to protect our national security and protect our neighborhoods and if they took a minute to actually learn what we did, I think they would be – we help immigrants more than any other agency that I'm aware of. A lot of these immigrants I come across illegally are abused. I've been on several interviews with women that were raped multiple times getting up here, and our agents are the ones that help these immigrants that are coming up here. They try to get the information from them, and we go after the bad guys that are terrorizing these people when they're coming up here." Zito says his division has become collateral damage in a political battle over the country's broken immigration system. [Editorial note: consult source link for audio]

Legal News

U.S. judges balk at ICE detention of defendants granted bail under Trump 'zero tolerance' push

[Washington Post](#) [10/11/2018 8:00 AM, Spencer S. Hsu, 11614K] reports that judges in the nation's federal criminal courts increasingly are balking at what they call unlawful efforts by U.S. immigration authorities to continue to detain people charged with entering the country illegally, even after they have been granted bail. The rulings complicate the Trump administration's "zero tolerance" crackdown on defendants who are charged with illegally crossing the border but whom judges have determined do not pose a flight or safety risk. The decisions force prosecutors to make a choice – charge defendants with illegal entry or reentry and risk that a federal judge releases them pending trial, or keep suspects locked up in civil detention pending deportation proceedings and forego criminal prosecution.

Court Case Looks at Detention of Immigrants Who Served Time for Crimes

[VOA News](#) [10/11/2018 10:10 PM, Aline Barros, 1094K, DC] reports that this week, the U.S. Supreme Court heard the Trump administration argue for extensive government authority to detain certain immigrants who served sentences for committing crimes, even years after leaving prison. In the case, *Nielsen v. Preap*, the plaintiffs included two legal permanent residents (or green card holders) involved in separate lawsuits filed in 2013. Mony Preap, a Cambodian immigrant, was convicted of marijuana possession, and Bassam Yusuf Khoury, a Palestinian immigrant, was convicted of attempting to manufacture a controlled

substance. Khalil Cumberbatch is the associate vice president at the Fortune Society in New York City and a legal permanent resident from Guyana. His family moved to the United States when he was 4 years old. At 20, he was convicted of robbery. While in prison, Cumberbatch decided to finish college. After his release in 2010, he got married, had two daughters, completed parole and received a bachelor's degree. Four years later, U.S. Immigration and Customs Enforcement officers under the Obama administration showed up at his doorstep. He was one week from getting a master's degree in social work. ICE reminded him of his old conviction, for which he had served his sentence, and detained him for five months in New Jersey.

The [Epoch Times](#) [10/11/2018 3:08 PM, Matthew Vadum, NY] reports that the government loses the right under federal immigration law to detain for deportation proceedings a lawful permanent resident convicted of a serious crime, if it fails to arrest the person the day he completes his criminal sentence, an ACLU lawyer told the assembled justices of the Supreme Court. It is "appropriate" for the government to detain the person "the same day," Cecillia D. Wang, deputy legal director of the American Civil Liberties Union, said Oct. 10 during oral arguments before the court. Wang previously worked for left-leaning Justice Stephen Breyer. The ACLU is the left-wing civil-rights group that spent more than \$1 million opposing the nomination of Justice Brett M. Kavanaugh, who participated in the oral arguments. It was Kavanaugh's second day of hearing cases at the Supreme Court after being confirmed by the Senate on Oct. 6. The case comes from California, a hotbed of resistance to President Donald Trump's drive to enforce the nation's immigration laws and to undermine the practice of cities declaring themselves sanctuaries that harbor illegal aliens.

Feds Defend Sessions' Higher Asylum Standard At DC Court

[Law360](#) [10/11/2018 7:24 PM, Suzanne Monyak, NY] reports that the federal government defended U.S. Attorney General Jeff Sessions' move to restrict the ability of domestic abuse survivors to be granted asylum, arguing in a Wednesday filing in D.C. federal court that the Trump administration's policy memo is just an interpretation of existing asylum law, not an official policy change, shielding it from judicial review. The U.S. Department of Justice urged the court to grant it summary judgment in the American Civil Liberties Union's challenge to guidance issued by U.S. Citizenship and Immigration Services in July, which heightens the "credible fear" standard for immigrants fleeing domestic or gang violence in their home countries. The government contended that the guidance did not constitute a new "rule" subject to judicial review, nor did the court have jurisdiction to review Sessions' ruling in a Board of Immigration Appeals case, known as Matter of A-B-, from which the July guidance stemmed. The case is Grace et al. v. Sessions et al.; case number 1:18-cv-01853, in the U.S. District Court for the District of Columbia.

[NH] ACLU sues ICE over detainment of Somali man in NH jail

[WMUR 9 New Hampshire](#) [10/11/2018 6:47 PM, Kristen Carosa, 120K, NH] reports that the American Civil Liberties Union of New Hampshire is suing Immigration and Customs Enforcement over the agency's detaining a Somali immigrant in New Hampshire. According to the ACLU, Abdigani Hussein, 45, lawfully entered the United States in 1996 as a refugee. He was living in Maine, but when he checked in with ICE in March, he was detained, and he is now being held at Strafford County Jail in Dover.

[NY] Feds drop appeal in deliveryman's case

[Queens Chronicle](#) [10/11/2018 3:50 PM, Ryan Brady, Associate, 6K, NY] reports that it looks like Pablo Villavicencio Calderon will be staying in the states after all. The U.S. Attorney's Office for the Southern District of New York is apparently no longer seeking to have the unauthorized Ecuadorian immigrant, a married father of two, deported. Three days after filing an appeal on Oct. 2 against a judge's decision to free the Hempstead, LI, resident, prosecutors dropped it. On June 14, Judge Alison J. Nathan stayed the deportation order as the immigrant seeks permanent resident status. The Trump administration fought the decision but lost, with federal Judge Paul Crotty ordering Villavicencio free from ICE detention on July 24.

[OH] Federal judge in Cleveland threatens ICE with contempt if it deports man he released from jail in criminal case

[Cleveland Plain Dealer](#) [10/11/2018 12:16 PM, Eric Heisig, 484K, OH] reports that a federal judge threatened to hold ICE agents in contempt of court if they tried to deport a Painesville man he ordered freed on bond after he pleaded guilty to illegally re-entering the United States from Mexico. U.S. District Judge James Gwin said during a bond hearing Wednesday for Cesar Veloz-Alonso that he didn't think the 39-year-old construction worker, who was deported four previous times in the past two decades, was a flight risk or a danger to the community. Gwin also said he believes that federal law gives him the authority to grant a bond, and that authority trumps laws allowing U.S. Immigration and Customs Enforcement to hold a person already ordered removed from the country and deport them before their criminal case is decided. In other words, the judge said his ruling should override any action ICE plans to take, since he still oversees Veloz-Alonso's criminal case.

Enforcement News

[MA] Almost one year since Lucio Perez first took sanctuary at Amherst church

[WWLP 22 News](#) [10/12/2018 5:10 AM, Hector Molina, 51K, MA] reports that the First Congregational church has been Lucio's home since October of 2017. Though Lucio is safe in the church he'd much rather be home with his family in Springfield. On October 18th, 2017 Guatemalan immigrant Lucio Perez made a decision that would impact him and his family's life. On that day, he decided to take sanctuary inside the First Congregational Church in Amherst to avoid deportation. A 2009 encounter with police for child endangerment put Perez on ICE's radar. Reverend Kemper said Lucio now has a new lawyer, and "she is working on some new motions to file with the Immigration Courts that will allow his case to be re-opened and that he'll be able to be free with his family in Springfield."

[PA] 20 previously deported aliens charged with illegal re-entry

[Shippensburg News-Chronicle](#) [10/11/2018 6:00 AM, Staff, 1K, PA] reports that the United States Attorney's Office for the Middle District of Pennsylvania announced recently that 20 previously deported aliens were indicted separately Sept. 26 by a federal grand jury for illegal re-entry into the United States. These matters arose in counties throughout the District including Cumberland, Dauphin, Franklin, Lackawanna, Lebanon, Luzerne, Monroe and York.

[VA] Virginia Church Offers Sanctuary To Indigenous Guatemalan Woman Facing Deportation

[Huffington Post](#) [10/11/2018 2:57 PM, Carol Kuruville, 9842K] reports that a Virginia church has offered to shelter and protect a woman from Guatemala who is facing deportation. Maria Chavalan Sut, a 44-year-old indigenous woman, moved into Charlottesville's Wesley Memorial United Methodist Church on Sept. 30, the date her lawyer says Immigration and Customs Enforcement ordered her to be removed from the U.S., according to The Daily Progress. Rev. Isaac Collins, the church's lead pastor, told HuffPost his congregation is prepared to host Chavalan Sut for as long as she needs. ICE reportedly neglected to put a date and time on Chavalan Sut's notice to appear in court, Kilpatrick said, which meant she missed her court date. Because of her absence, ICE ordered that she be removed from the country.

[OH] 2 more men face deportation to Mauritania from Cincinnati; fear 'they will kill us all'

[Cincinnati Enquirer](#) [10/11/2018 10:22 PM, Mark Curnutte, 79K, OH] reports that two Mauritanian men who have lived and worked with permission in Greater Cincinnati for 14 and 18 years respectively are in danger of deportation to a country that their lawyers and advocates say will torture, enslave or ultimately kill them. Issa Sao, 37, of Forest Park, married to an American and the father of two U.S. citizen children was arrested in May at a check-in appointment with Immigration and Customs Enforcement officers in Columbus. Oumar Thiam, 53, of Kennedy Heights, also was arrested in Columbus during a June check-in with ICE. Attorneys for both men have filed for emergency stays of removal and motions to reopen their asylum cases with the U.S. Board of Immigration Appeals (BIA). Late Thursday, the appeals board granted the emergency stay for Thiam, though he remains in custody. No decision has been made about reopening his case.

[MI] Traffic offenses, domestic violence are leading charges for ICE detainments

[MLive](#) [10/11/2018 1:02 PM, Michael Kransz, 591K, MI] reports that drunk driving, domestic violence and driving with a suspended license arrests prompted more federal immigration detainments last year at the Kent County Jail than any other charges. In 2017 about 112 of 185 people with questionable immigration status jailed in Kent County at the request of U.S. Immigration and Customs Enforcement were first arrested on local charges, according to statistics obtained by MLive/The Grand Rapids Press under the Freedom of Information Act. The remaining 73 people were arrested and lodged with no criminal charges or warrant, only an ICE detainer. Detainers are requests for a jail to hold a person past their release date on local charges so that ICE can pick them up, or decide if they want to. The county cited federal law in its denial of a FOIA request for the names of those kept jailed last year on an ICE detainer. ICE spokesperson Khaalid Walls said in an email that "ICE privacy policies prohibit the release of names of individuals facing immigration charges." He did not answer questions asking about the "privacy policies" nor how somebody can learn the names of those detained if neither party involved will provide them. ICE argues its work focuses on those who "pose a threat to national security, public safety and border security," Walls said in an email. He added that other "classes or categories of removable aliens" aren't exempted.

[MI] Family fights to stop son's deportation

[WILX 10-TV](#) [10/11/2018 6:58 PM, Alani Letang, 16K, MI] reports that it's a race against the clock for a family fighting to keep their 4-year old son, Daniel "Danny" Diaz, in the United States. He was denied permanent residency three days ago and could be deported before

Thanksgiving. The Diaz family is working to raise the money they need to file an immigration appeal and hire an attorney.

[MI] Man faces deportation after CSC conviction

[Cadillac News](#) [10/12/2018 12:00 AM, Karen Hopper Usher, 3K, MI] reports that a Lake City man could be deported in just a few months, following his conviction for criminal sexual conduct. Miguel Armelo Tadeo, 27, pleaded no contest to three counts of fourth-degree criminal sexual conduct. Three other criminal sexual conduct charges, for second-degree offenses with victims under the age of 13, were dismissed. The intent is for Tadeo to serve his sentence in Michigan, though Immigration and Customs Enforcement has placed a hold on Tadeo, Ransom said. Paperwork in his file indicates he will be deported, though ICE did not immediately return a phone call from the Cadillac News about the deportation process.

[TX] 104 violent gang members arrested in North Texas sting, police say

[Dallas Morning News](#) [10/11/2018 7:20 PM, Sara Coello, 496K, TX] reports that local and federal officials arrested over 100 fugitives in a 2-month-long gang enforcement operation. "Operation Triple Beam Dallas" nabbed 104 fugitives, 30 firearms, two stolen vehicles, over 170 kilograms of drugs and over \$53,750 in illicit funds. The North Texas Fugitive Task Force included participants from the U.S. Marshals Service, the Drug Enforcement Administration, Immigration and Customs Enforcement, Tarrant and Dallas counties' sheriff's offices, and police from Dallas, Arlington and Grand Prairie.

[CBS 11](#) [10/11/2018 2:59 PM, Staff, TX] reports that participating agencies included the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Drug Enforcement Administration, Homeland Security Investigations - Immigration and Customs Enforcement, and others.

[CA] ICE arrested over 100 undocumented immigrants without criminal convictions in that big Oakland raid

[VICE News](#) [10/11/2018 3:18 PM, David Noriega, NY] reports that when the Trump administration announced a series of high-profile immigration raids across Northern California in late February, officials framed the operation as necessary to protect the safety and security of the area from dangerous criminals. The operation briefly dominated headlines after the mayor of Oakland publicly warned her constituents of the impending raids. But new data obtained by VICE News through a freedom of information request shows that the ICE raids, known as Operation Keep Safe II, netted few undocumented immigrants with recent, high-level criminal convictions. Instead, agents arrested and detained hundreds of people with minor or old criminal records — or with no criminal record at all.

Of the 233 people arrested between February 25 and 28, nearly half, or 111 people, had no criminal convictions. Out of those who did have convictions, the largest category of offense, amounting to 29 arrests, was traffic violations. The next largest, with 19 arrests, was drug violations, which can include crimes from trafficking to simple possession. In total, 47 people, or 20 percent of the total number of arrests, had criminal convictions that ICE categorized as "Level 1," which refers to "major drug offenses, national security crimes, and violent crimes such as murder, manslaughter, rape, robbery and kidnapping." But roughly half of those convictions date to more than 10 years ago. In total, 22 people — less than 10 percent of the immigrants arrested in the raid — had been convicted of a serious crime in the last decade. "Here's my message to Mayor Schaaf: How dare you?" Jeff Sessions said

at a speech to a law enforcement association in Sacramento at the time. "How dare you needlessly endanger the lives of law enforcement officers to promote your radical open-borders agenda?" The White House and congressional Republicans soon turned the operation into a high-profile illustration of the need to protect the public from the lawlessness of sanctuary cities. Acting ICE Director Thomas Homan said more than 800 "public safety threats" had eluded arrest as a result of Schaaf's warning. (James Schwab, an ICE spokesperson in San Francisco, refused to repeat this claim, which he called misleading, and quit his job in protest; ICE subsequently retracted the claim.)

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

[EOIR Morning Briefing Archive](#)

Monday, Oct. 15, 2018

Executive Office for Immigration Review

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Executive Office for Immigration Review

Teresa Giudice Breaks Her Silence Following Husband Joe's Deportation Order

[ET Online](#) [10/14/2018 8:37 PM, Alex Ungerman, 417K] reports that The Real Housewives of New Jersey star posted to her Instagram page on Sunday for the first time since before last Wednesday, when her husband, Joe Giudice, was ordered to be deported following the conclusion of his stint in prison. On Wednesday, the U.S. Department of Justice confirmed to ET that Immigration Judge John Ellington ordered Joe removed from the United States at the end of his prison sentence. Last week, a source told ET that Teresa was "devastated" over her husband's deportation news, adding that Teresa – who also served jail time but was released after nearly a year behind bars in December 2015 – is hopeful that the couple can win the appeal and Joe will remain in America instead of going back to his native Italy.

[People](#) [10/14/2018 9:38 PM, Michele Corrison, 3772K] reports that Teresa Giudice is sending a message about her husband's legal troubles. The Real Housewives of New Jersey star posted on social media Sunday for the first time since a judge ruled that Joe Giudice will be deported to his native Italy at the end of his prison sentence, sharing an image of the Statue of Liberty covering her eyes with her hands, seemingly crying and covering tears. Teresa, 46, captioned the Instagram with a series of praying hand emojis. Joe, also 46, is currently serving out a 41-month prison sentence for mail, wire and bankruptcy fraud that began in March 2016. He is set to be released in 2019 and has 30 days to appeal the immigration court's ruling.

Teresa and Joe Giudice's daughter Gia breaks silence on dad's deportation ruling

[Entertainment Tonight](#) [10/12/2018 10:54 AM, Jennifer Drysdale] reports Gia Giudice is speaking out. Teresa and Joe Giudice's 17-year-old daughter is coming to her father's defense following news of his deportation to his native Italy. ET confirmed on Wednesday that Joe -- who started his 41-month sentence at the Federal Correctional Institution in Fort Dix, New Jersey, in March 2016 after both he and Teresa pleaded guilty to multiple charges of fraud -- has been ordered to leave the United States at the end of his prison sentence. As of Wednesday, he had 30 days to appeal the decision. On Friday, Gia took to Instagram to share a video of a man, Fred Rubino, calling for an appeal of Joe's deportation. Rubino claimed the ruling by Immigration Judge John Ellington "racist" and "political" because Joe is Italian.

[People](#) [10/14/2018 2:35 PM, Maria Pasquini, 3772K] reports that Teresa Giudice's

daughter Milania says her family will continue fighting her father Joe Giudice's deportation. Less than a week after a judge ordered that Joe will be deported to his native Italy at the end of his prison sentence, Milania, 13, penned an emotional note praising her father, whom she describes as "the best dad in the world." "My dad, who is the best dad in the world, needs to come home," she wrote. "We aren't done fighting dad. I can't believe this is happening. I can't imagine another day without you." "We are gonna do everything we can to fight this daddy!! I love you with all my heart buddy," she continued, adding multiple heart emojis as well as "#heartbroken." An immigration court ruled on Wednesday that Joe, who emigrated to America as a child but never obtained citizenship, will be deported to his home country of Italy upon his release. According to U.S. law, immigrants can be deported from the U.S. if they are convicted of "a crime of moral turpitude" or an "aggravated felony."

Reported similarly:

[Entertainment Tonight](#) [10/14/2018 12:47 PM, Antoinette Bueno]

[MSN Entertainment](#) [10/12/2018 3:28 PM, Mark Gray, 61573K]

[Page Six](#) [10/14/2018 4:56 PM, Jaclyn Hendricks, 4882K, NY]

[UT] Thanks to video-teleconferencing, Salt Lake City immigration court judges can decide the fates of immigrants held in a detention center 856 miles away

[Salt Lake City Weekly](#) [10/10/2018 5:15 AM, Kelan Lyons, UT] reports that since July 9, immigrants who are detained in the Northwest Detention Center in Tacoma, Wash., have been appearing in the Salt Lake City immigration court — technically located in West Valley City — via a video-teleconferencing, or VTC, feed. Such technology is a critical part of the Department of Justice's strategy to cut the immigration court backlog in half by 2020. An Executive Office for Immigration Review fact sheet states that VTC saves immigration judges travel time, helps them to hear more cases and allows them to help out their counterparts stationed in other courts with more sizable backlogs.

Data suggests that Tacoma's immigration court has fewer pending cases than Salt Lake City's. According to Transactional Records Access Clearinghouse, a nonpartisan database maintained at Syracuse University, there are 1,028 pending cases in the Tacoma court, compared to 2,641 here. Smaller caseload notwithstanding, there's a critical distinction between the cases brought before the judges in each court: the immigrants in Tacoma are locked in a detention center as they await a judge's ruling on whether they can stay in the U.S. Before taking over the Tacoma docket, the majority of cases heard by the local court's three judges involved immigrants who were not in detention facilities, since federal immigration authorities have a limited capacity for detention in Utah. As an EOIR spokesperson previously told City Weekly, resolving the cases of people who are detained is EOIR's "highest priority." Despite VTC's practicality, the added workload might put the Salt Lake City judges at risk of not meeting Attorney General Jeff Sessions' standards. The unexpected Washington hearings required local court officials to postpone between half and two-thirds of the Utah cases so that judges can preside over a Tacoma docket for the rest of 2018. All the judges should hear Utah cases in 2019, but the next few months will likely put them off track to meet their "performance metrics"— Orwellian for "quotas." Between Oct. 1, 2018, and Sept. 30, 2019, each immigration court judge must complete 700 cases in order to be given a "satisfactory" rating on their performance evaluations. It's not mathematically possible, however, for the Salt Lake City judges to meet this requirement if they were to continue hearing Tacoma cases.

Policy and Legislative News

Trump administration weighs new family separation effort at border

[Washington Post](#) [10/12/2018 2:30 PM, Nick Miroff, Josh Dawsey and Maria Sacchetti, 11614K] reports that the White House is actively considering plans that could again separate parents and children at the U.S.-Mexico border, hoping to reverse soaring numbers of families attempting to cross illegally into the United States, according to several administration officials with direct knowledge of the effort. One option under consideration is for the government to detain asylum-seeking families together for up to 20 days, then give parents a choice – stay in family detention with their child for months or years as their immigration case proceeds, or allow children to be taken to a government shelter so other relatives or guardians can seek custody. That option – called "binary choice" – is one of several under consideration amid the president's frustration over border security. Trump has been unable to fulfill key promises to build a border wall and end what he calls "catch and release," a process that began under past administrations in which most detained families are quickly freed to await immigration hearings. The number of migrant family members arrested and charged with illegally crossing the border jumped 38 percent in August and is now at a record level, according to Department of Homeland Security officials.

Senior administration officials say they are not planning to revive the chaotic forced separations carried out by the Trump administration in May and June that spawned an enormous political backlash and led to a court order to reunite families. But they feel compelled to do something, and officials say senior White House adviser Stephen Miller is advocating for tougher measures because he believes the springtime separations worked as an effective deterrent to illegal crossings. Federal officials arguing for the tougher measures say the rising number of family crossings is a sign of asylum fraud. DHS Secretary Kirstjen Nielsen has blasted smugglers for charging migrants thousands of dollars to ferry them into the United States, knowing that "legal loopholes" will force the administration to release them pending a court hearing. "There is currently a crisis at our southern border as we encounter rising numbers of adults who enter the country illegally with children," DHS spokeswoman Katie Waldman said in a statement. "DHS will continue to enforce the law humanely, and will continue to examine a range of options to secure our nation's borders."

The [Wall Street Journal](#) [10/13/2018 8:23 PM, Vivian Salama] reports that speaking to reporters at the White House, Mr. Trump warned that adults are using children to cross into the U.S. from Mexico. "If they feel there will be separation, they don't come," he said. "You've got some really bad people out there." Attempts to increase deterrence — including the Trump administration's controversial family separation policy that was abandoned in June — haven't been effective in slowing the influx of families. A record number of asylum-seeking families has overwhelmed border agents and immigration authorities. Border Patrol facilities are crowded with newly arrived families, bed space at family detention centers in Texas is at a premium and immigration court backlogs are growing. Migrant children separated from their parents under the Trump administration's "zero tolerance" policy frequently spent days in government facilities designed for short-term use as the Department of Homeland Security struggled to track and reunify families, according to a report released this month by the Department of Homeland Security's Office of Inspector General. Since children can't be held in criminal custody, more than 2,000 children were separated from their parents at the border in May and June, prompting widespread criticism

from members of both parties before Mr. Trump ultimately rolled back the policy at the end of June.

[Newsweek](#) [10/14/2018 9:40 AM, Jason Lemon] reports that the president claimed, without providing evidence, that migrants sometimes bring children who are not their own in hopes it will garner them sympathy from border agents when they attempt to enter the country. They are "grabbing children and they're using children to come in to our country in many cases," Trump said. Although the president didn't say the controversial program would continue, he suggested its not off the table completely.

A report released by Amnesty International last week claimed that the Trump administration's "zero tolerance" policy left over 6,000 families separated at the Southwest border of the U.S. between April 19 and August 15. The policy began to draw national and international condemnation over the summer when images of caged migrant children began to circulate along with media reports. Waldman, spokeswoman for DHS, took issue with the Amnesty report, arguing it highly exaggerated the number of families impacted. "This is a deeply flawed, inaccurate report authored by an open-borders activist group," she told Newsweek last week, using a pejorative term for human rights groups popular on the far right. "DHS will continue to enforce the law humanely, and will continue to examine a range of options to secure our nation's borders," Waldman said to Reuters on Saturday. The department considers immigration to be a crisis, she added.

Reported similarly:

[Washington Post](#) [10/13/2018 4:35 PM, Staff, 11614K]

[Politico](#) [10/12/2018 7:59 PM, Ted Hesson, 3106K]

[Bloomberg](#) [10/13/2018 9:06 PM, Toluse Olorunnipa, et al.]

[The Hill](#) [10/14/2018 8:34 PM, Emily Birnbaum, 3846K]

[CBS News](#) [10/12/2018 5:04 PM, Grace Segers]

[Breitbart](#) [10/13/2018 3:01 AM, Neil Munro, 2213K]

[Inquisitr](#) [10/13/2018 8:23 PM, Damir Mujezinovic]

[ThinkProgress](#) [10/14/2018 8:55 AM, Josh Israel, 799K, DC]

[ABC News](#) [10/14/2018 7:21 PM, Staff, 3178K, NY]

[New York Post](#) [10/12/2018 4:43 PM, Bob Fredericks, 4882K, NY]

[The Week Magazine](#) [10/12/2018 4:22 PM, Summer Meza, 461K, NY]

[VOX](#) [10/12/2018 5:05 PM, Dara Lind, 3472K, DC]

[VOA News](#) [10/13/2018 8:14 AM, Staff, 1094K, DC]

[ThinkProgress](#) [10/12/2018 5:56 PM, Joshua Eaton, 799K, DC]

[Fox 4 Kansas City](#) [10/14/2018 6:11 PM, Jennifer Silvey, 67K, MO]

[The Independent](#) [10/14/2018 10:44 AM, Philip Rucker, UK]

Trump says family separations deter illegal immigration

[Reuters](#) [10/13/2018 7:44 PM, David Shepardson] reports U.S. President Donald Trump said on Saturday that separating migrant families at the border could deter illegal immigration and that he was considering several options to tighten border security. In June, Trump abandoned his policy of separating immigrant children from their parents on the U.S.-Mexico border after images of youngsters in cages sparked outrage at home and abroad. But some Trump administration officials have said the policy, under which some 2,600 children were separated from their parents, was needed to secure the border and deter illegal immigration. Trump seemed to support that argument on Saturday. "If they feel there will be separation, they don't come," he said of migrants during comments to reporters

at the White House. Trump also claimed, without providing evidence, that immigrants were "grabbing children and they're using children to come in to our country in many cases." He stopped short, however, of committing to a new round of family separations. "We're looking at a lot of different things having to do with illegal immigration," he said, again calling on Congress to pass immigration legislation. "We're going to do whatever we can do to get it slowed down."

Trump Rejects '60 Minutes' Pressure, Promises Border Fixes

[Breitbart](#) [10/15/2018 3:00 AM, Neil Munro] reports President Donald Trump rejected pressure from the 60 Minutes TV show and suggested he would renew policies which allow migrant job-seekers to be prosecuted when they bring a child to trigger the 2015 Flores catch-and-release loophole. "When you allow the parents to stay together, OK, when you allow that, then what happens is that people are going to pour into our country," he told 60 Minutes' Lesley Stahl, in a show broadcast Sunday night. Trump continued: We are looking at a lot of things ... What we want to do is change the immigration laws because they [are] a laughing stock all over the world. Trump's answer came as Stahl suggested that he should ignore the nation's popular immigration laws which preserve Americans wages by directing a zero-tolerance policy of prosecuting all illegal migrants. It "was on the books, but [President Barack Obama] didn't enforce it, you enforced it, you launched the zero-tolerance policy," Stahl said.

In May, Trump demanded his agencies adopt a zero-tolerance enforcement of the law but backtracked in June as the established media used recordings of crying children to paint the border-enforcement laws as vindictive and inhumane. Prior presidents have largely ignored the laws, but Trump and his deputies are looking for several ways to stop the migration, amid loud pro-migration demands from Democrats, business-first Republicans, and the establishment media. Trump's showed his hardnosed determination to block migrants to Stahl just as a group of Central American migrants announced they are launching another "caravan" of job-seeking migrants to travel up through Mexico to the U.S. border. Trump's ability to control the border is growing — despite congressional passivity and opposition — because Attorney General Jeff Sessions has been waging a war of legal attrition in the agencies and the courts. That legal war has gained several victories. For example, Sessions persuaded the Supreme Court to accept Trump's curbs on Muslim migration, and he has ordered his agency's immigration-court judges to ignore Obama's claims that migrants deserve asylum when they are threatened by spouses and criminal gangs.

Melania Trump says she was 'blindsided' by family separations policy

[The Hill](#) [10/13/2018 7:33 AM, Morgan Gstalter, 3846K] reports the first lady said she was "blindsided" by her husband's "zero tolerance" immigration policy that separated thousands of migrant families at the U.S.-Mexico border over the summer. "I didn't know that that policy would come out," the first lady said in an interview with ABC News. She said she told the president how she felt about it at home. "I said to him that I feel that's unacceptable, and he felt the same," she said. President Trump eventually ended the policy amid widespread criticism from both parties, but The Washington Post reported on Friday that new options are being considered that could again separate families as officials deal with a new surge of immigrants at the border. The first lady, an immigrant herself, said she was only made aware of the family separations policy when she saw it on the news and she reacted "right away." "It was unacceptable for me to see children and parents separated," she said. "It was heartbreaking. And I reacted with my own voice." [Editorial note: consult source link for

video]

[CNN](#) [10/13/2018 9:15 PM, Betsey Klein and Sophie Tatum, 28810K] reports Trump also was asked about her parents' path to citizenship during the interview. Viktor and Amaliya Knavs obtained citizenship through the chain migration policy her husband derides. "I believe in the policies that my husband put together because I believe that we need to be very vigilant who's coming to the country," she said. She added that she believes parents of Americans should be allowed to come to the United States, but said "we need to vet them, we need to know who they are," something she said she has told her husband, and "he agrees." Pressed on the issue, Trump said, "I think he believes the same, that chain migration, he doesn't want to just cut it off completely. We need to vet the people, and we need to make sure they believe in our system." [Editorial note: consult source link for video]

Reported similarly:

[FOX News](#) [10/13/2018 11:33 AM, Kathleen Joyce]

[Washington Examiner](#) [10/12/2018 11:21 PM, Caitlin Yilek, DC]

Locking Up the Children

[American Prospect](#) [10/15/2018 3:00 AM, Manuel Madrid] reports a child in detention tries to keep from dreaming of the outside world. Afuera. Outside. But for the moment, afuera feels far off to Martín, who is still a teenager. Martín, whose name has been changed for protective purposes due to his ongoing case, is one of more than 12,300 migrant children currently held in government-contracted shelter facilities while they wait for their immigration cases to be resolved, according to an internal report of the government's Office of Refugee Resettlement obtained by The American Prospect. The Trump administration's separation of immigrant families at the border catapulted the matter of migrant children into the public eye, fomenting outrage and condemnation. But that "zero tolerance" effort, which was eventually walked back by the president, is just one of many callous policies dictating the lives of unaccompanied minors. And while most of the estimated 3,000 children separated from their parents at the border are now back with their families, thousands who arrived there alone are still waiting to be reunited. Even for those fortunate enough to secure representation, relief is limited. Lawyers report being dissuaded from representing children on any issues outside of their case in immigration court for fear of losing ORR funding. ORR itself has been accused of outright barring government-funded service providers from challenging it on issues about facility placement, abuse from staff, or having sponsors arbitrarily declared unfit.

For would-be sponsors who hope to free a child from detention, the exit door appears harder and harder to pry open. What was already a fairly complicated application process for immigrants has become even more difficult thanks to recent changes at ORR. Now, every adult in a potential sponsor's household must subject themselves to fingerprinting and immigration-status checks. Under an April agreement, fingerprints submitted to the office, along with any identifying information or biographical documents, are to be shared with Immigration and Customs Enforcement. Because most sponsors are undocumented themselves, they and others in their home might fear submitting identifying information knowing that it will be shared with the agency responsible for rounding up immigrants for deportation. Enforcement officials at all levels, including former ICE Director Thomas Homan and Attorney General Jeff Sessions, have publicly voiced that no undocumented immigrant should feel safe from prosecution.

Lawmakers Are Asking For A Copy Of A Memo That DHS Secretary Nielsen Used To Justify Family Separations

[BuzzFeed](#) [10/12/2018 1:32 PM, Hamed Aleaziz and Adolfo Flores, 11771K] reports two prominent Democrats are asking the Trump administration to turn over to them an unredacted government memo that justified the separation of hundreds of immigrant families at the border. Rep. Jerrold Nadler of New York and Sen. Dianne Feinstein of California wrote to Department of Homeland Security Secretary Kirstjen Nielsen requesting an unredacted version of the DHS memo and all its attachments. A redacted copy of the memo was released earlier this month in response to a Freedom of Information Act request from the group Open the Government and the Project on Government Oversight and shared with BuzzFeed News. Feinstein and Nadler said the unredacted version of the memo would provide details into how the family separation policy had been implemented. The two Democrats noted that Nielsen has repeatedly said publicly that the Trump administration did not have a policy of separating families at the border. The memo was sent by Border Protection Commissioner Kevin K. McAleenan, Director of Citizenship and Immigration Services L. Francis Cissna, and Director of Immigration and Customs Enforcement Thomas Homan.

Parents Deported Without Their Kids Face Untenable Choice

[KQED](#) [10/12/2018 8:23 PM, Julie Small, 194K, CA] reports that a federal judge in San Diego gave provisional approval this week to a settlement agreement that gives hundreds of migrant parents and children separated at the U.S.-Mexico border another chance to apply for asylum — but some immigrant advocates say the agreement unfairly excludes hundreds of already-deported families. ACLU attorney Lee Gelernt says the agreement protects the asylum rights of at least 1,000 immigrant children and parents by giving them a new interview regarding credible fear in their home countries — the first hurdle in applying for asylum. But advocates say the settlement unfairly excludes 414 parents deported by U.S. Immigration and Customs Enforcement without their children. Immigrant kids who have since returned to their home countries are also ineligible to reapply for asylum.

Reported similarly:

[Reveal](#) [10/13/2018 4:48 PM, Patrick Michels, CA]

[La Prensa San Diego](#) [10/11/2018 4:05 PM, Alexandra Mendoza, CA]

ICE Is Sending Separated Children Home With No One To Pick Them Up

[Huffington Post](#) [10/12/2018 1:46 PM, Angelina Chapin, 9842K] reports on Tuesday, U.S. Immigration and Customs Enforcement sent a 4-year-old separated child from the U.S. to Guatemala City without telling her family she was coming home. When Karla, a pseudonym HuffPost is using to protect the child's identity, arrived in Guatemala, no one came to pick her up at a reunification center near the airport. Instead of reuniting with her deported father, whom she hadn't seen since they crossed the U.S. border together six months ago, the child spent yet another night in a government-run shelter, according to Kids In Need of Defense, an organization helping the U.S. government to reunify families. Legal and immigration experts say ICE is sending children back to Central America without properly notifying parents of their travel plans. ICE is only handling only "a relatively small number" of repatriation cases, but advocates say even a handful of situations in which parents aren't given the proper notice to pick up their children is a major cause for concern. An ICE representative told HuffPost she could not comment on the topic "due to pending litigation," a reference to the American Civil Liberties Union's lawsuit against the agency.

Immigrant kids sent to adult detention based on shoddy dental record science

[New York Daily News](#) [10/12/2018 7:00 PM, Megan Cerullo, 1842K, NY] reports the Office of Refugee Resettlement is relying on a contentious science that uses immigrants' dental records to estimate their ages and turn children they believe are 18 or older over to ICE custody, according to a Vice News report. Many young immigrants arrive on US soil without birth certificates or other official record of their ages and in some cases, ORR contractors and ICE use forensic odontology to conduct "age assessment" reports, according to Vice. Immigrants who are 18 and older face different fates than those who are under 18. Undocumented minors who cross the border are housed in ORR shelters and are released to relatives, while immigrants who are 18 and older are kept in prison-like detention centers under ICE custody. The 2008 Trafficking Victims Reauthorization and Protection Act prevents ORR from making age determinations based solely on forensic odontology. But in 2016, it used dental X-rays to refer a Somali boy to ICE detention. ORR took the boy to an Oregon dentist for what he thought was a routine visit. "He thought it was for his own care and upkeep of his teeth. Instead it was to take these X-rays," said Matt Adams, a lawyer for Northwest Immigrant Rights Project. "They sent them to a hack job in Texas who does all this work for them that they use as evidence to say he's over 18," Adams told the Daily News.

Shelters step up to aid more immigrant families brought to their doors by ICE

[NBC News](#) [10/14/2018 7:00 AM, Annie Rose Ramos and Suzanne Gabmoa, 3740K] reports that Ruben Garcia, the director of Annunciation House – a Catholic non-profit immigrant shelter – is making sure the many here have food in their bellies. In the past few weeks, the shelters been receiving about 750 migrants a week from Immigration and Customs Enforcement, Garcia said. ICE holds families in short-term detention until the families can be processed and a determination can be made to detain them longer or release them for a later hearing. For those being released, ICE would often keep families in temporary detention until they could get a bus or transportation to their next destination. In Arizona, ICE determined it could no longer do that and comply with the court settlement known as the Flores agreement, which requires it to release children within 20 days, said Paige Hughes, ICE spokeswoman. ICE officials didn't immediately know whether the same was happening in El Paso. As Garcia turns down another hallway at the El Paso shelter, checking in on families and volunteers, he receives a call from an ICE officer. "Sir – I'm calling to see if you have room for one female Honduras, she is six months pregnant," the officer asked. Garcia asks, "do you plan to release her today?" The ICE officer replies, "yes." "Please send her to Annunciation House," Garcia says. The ICE officer says, "I appreciate your time, thank you." "That is nonstop," Garcia said, after he hangs up the phone. "This is the fifth woman today."

3,121 desperate journeys: Exposing a week of chaos under Trump's zero tolerance

[The Guardian](#) [10/15/2018 3:00 AM, Olivia Solon, Julia Carrie Wong, Pamela Duncan, Margaret Katcher, Patrick Timmons, and Sam Morris, UK] reports on April 6, 2018, the U.S. attorney general, Jeff Sessions, issued a memo to federal prosecutors along the U.S.-Mexico border directing them "to adopt immediately a zero-tolerance policy" for violations of a federal law barring "improper entry" into the country. "You are on the front lines of this battle," Sessions wrote, as if rallying his troops against an invading army. Over the next six weeks, the collateral damage of the Trump administration's policy was revealed: some 2,654 children were taken from their parents or guardians in order to fulfill the mandate that they be prosecuted for a criminal misdemeanor. As of September 27, 219 children whose

parents had already been deported remained in government custody. Zero tolerance pushed serious fraud, drugs and weapons trafficking offences out of the courtroom to make way for the flood of people whose only crime was crossing the border. The documents reveal the lengths to which the U.S. Border Patrol and Immigration and Customs Enforcement (ICE) go to capture migrants. Border Patrol uses an armory of technology including "seismic intrusion devices" (sensors that send an alert when they detect the vibrations created by footstep), giant towers packed with cameras and sensors, and mobile video surveillance systems – trucks that have extendable masts fitted with an array of cameras, radar and laser range finders, frequently referred to as "scope trucks."

Within the pages of the more than 6,000 court documents the Guardian examined there is a striking omission: the fact that many migrants were travelling with children at the time of their arrests was recorded in only 10 of the 3,121 cases we examined. José G is one of those 10. When he appeared in court on 14 May, five days after his apprehension by Border Patrol, the criminal complaint against him included a reference to his child. The fact that his son was in the US, and by then was being kept in a shelter for migrant children in El Paso, was not referenced in the prosecution's motion asking a judge to deem José a flight risk and detain him without bond – a request that the judge in the case granted. José spent two months in the El Paso county jail before the case against him was simply dropped. The prosecution's motion for the case to be dismissed states only that "the government does not wish to prosecute at this time". José was moved to an immigration detention center to start the separate process of immigration court. He did not pass the "credible fear" interview that would have allowed him to seek asylum.

Finally, the government has taken steps to stop releasing unaccompanied minors to criminals and traffickers

[Washington Examiner](#) [10/15/2018 12:00 AM, Jason Piccolo, 535K, DC] reports that the Obama administration released thousands of unaccompanied alien children to criminal sponsors. I know because I was the Homeland Security whistleblower who legally came forward in late 2015 to the U.S. Office of Special Counsel and to Sen. Chuck Grassley's office about the releases. Only now is this serious and dangerous problem finally being dealt with. In summer 2015, I was a member of the Obama's White House Security Council's Human Smuggling Cell, which was run by the Department of Homeland Security. On Aug. 4, 2015, I was sent a spreadsheet from senior Immigration and Customs Enforcement managers. The spreadsheet provided data, including criminal history checks of UAC sponsors. There were 29,000 sponsors on the massive spreadsheet; 3,669 of the sponsors were convicted of crimes. The government had serious issues with vetting sponsors from the beginning of the surge of unaccompanied children.

In 2018, the government faced harsh criticism for detaining children and requiring sponsors to be vetted. Up until 2018, three years after I blew the whistle, the government did not even require fingerprints of all sponsors, to determine if we were handing children over to criminals. DNA testing, to determine if sponsors were actually family as claimed, was unheard of at the time. Yet that's the only real way to determine the sponsor's familial relation to the child. In July 2018, the Department of Health and Human Services determined that at least five adults attempting to take minors were not familial relations after DNA testing; this included adults who admitted that they were not family just prior to DNA testing. I blew the whistle and jeopardized my Homeland Security career to expose what I believed was a serious safety issue for the young children. Now, three years later, the appropriate vetting is finally starting to take place.

Immigrants face hurdles to prove abuse by U.S. agents

[Washington Post](#) [10/14/2018 4:11 PM, Nomaan Merchant and Claudia Lauer] reports that within hours of being booked at a Border Patrol station in far West Texas, two teenage sisters from Guatemala came forward to allege that an agent conducted an improper strip search. The agent in question denied the allegations, including the sisters' claims that he touched their genitals. He insisted he had only fingerprinted the sisters before taking them back to their cell. Investigating the case came down to the sisters' word versus the agent's. And as in dozens of similar cases, government investigators sided with the agent. Advocates say the case — outlined in a report compiled by internal investigators — shows the kinds of hurdles detained immigrants face when they make claims of misconduct, even when they come forward immediately, as the sisters did.

Immigration advocates say the Department of Homeland Security's Office of Inspector General, which reviewed the sisters' case, rarely recommends action against officers. A study by Freedom for Immigrants found that between January 2010 and July 2016, the inspector general received 84 complaints of coerced sexual contact against U.S. Customs and Border Protection, which includes Border Patrol. The inspector general opened just seven investigations, none of which are known to have led to charges, according to the study, which was conducted by examining government records. The study found a similarly low number of cases were investigated by the inspector general for detention facilities operated by U.S. Immigration and Customs Enforcement.

New rule: Tougher scrutiny on legal immigrants using assistance brings widespread fear

[Houston Chronicle](#) [10/12/2018 1:00 AM, Jenny Deam, 149K, TX] reports that the new, so-called public charge rules, unveiled in draft form last month by the Department of Homeland Security, has unleashed panic and confusion among immigrant communities in Houston and across the nation — even among those the change will not touch. The rules are aimed at immigrants applying for green cards that grant permanent residency or seeking temporary visas for work or school, but they have generated so much fear that even immigrants unaffected by the change have stopped enrolling in assistance programs for which they are eligible or dropped off the rolls. The notion of immigrant-as-burden dates back to the federal Immigration Act of 1882, which used the public charge designation to deny entrance to those predicted to be unable to support themselves. In 1999, the Immigration and Naturalization Service, now known as Immigration and Customs Enforcement, or ICE, issued guidelines that clarified the rule by defining a public charge as someone who was or likely to become dependent on cash-based government assistance such as welfare, or needed long-term institutionalized care at government expense.

Will Sessions use indefinite mandatory detention to reduce the demand for asylum hearings?

[The Hill](#) [10/13/2018 11:00 AM, Nolan Rappaport, 3846K] reports that a Supreme Court decision this year would appear to permit — or even require — Trump to detain people indefinitely in expedited removal proceedings. Previously, aliens would appear at the border, ask for asylum, and would be allowed into the country to wait for an asylum hearing — often never to be seen again. That's why expedited proceedings were created in the 1990s. Behind the Trump order was the notion that the prospect of mandatory detention would deter illegal crossings to seek asylum. Trump called it an end to "catch and release." Those who are apprehended at or near the border after making an illegal entry are placed in

expedited removal proceedings, in which detention is mandatory. There's a caveat: If an asylum seeker can establish a credible fear of persecution, the Board of Immigration Appeals has held that mandatory detention no longer applies. In that case, the asylum seeker is transferred into regular proceedings for an asylum hearing before an immigration judge, and he can be released from custody by the judge. The prospect is now on the horizon of asylum seekers remaining in detention regardless of being able to establish a credible fear of persecution. Attorney General Jeff Sessions is now reviewing that BIA decision to determine whether it should be overruled in light of the Supreme Court's ruling in *Jennings v. Rodriguez*.

Hundreds of Hondurans head for U.S. border in mass migration 'march': report

[FOX News](#) [10/13/2018 5:15 AM, Paulina Dedaj] reports that hundreds of Honduran migrants are headed for the United States border, just days after Vice President Pence sat down with the Central American country's leader, urging him to take a tougher stance on mass migrations. At least 1,300 people, including young children, left San Pedro Sula in northern Honduras on Saturday, in what some are calling the "March of the Migrant," Reuters reported. Bartolo Fuentes, the organizer, told the news agency that the group plans to march through Guatemala and into Mexico. From there, participants will request refugee status, which would allow them to stay in the country, or they will apply for a visa to pass through into the U.S. The development came just days after Pence met with Honduran President Juan Orlando Hernandez, President Jimmy Morales of Guatemala and Vice President Oscar Ortiz of El Salvador, asking them to step up and help combat illegal immigration in return for help from the U.S.

[U.S. News & World Report](#) [10/14/2018 9:50 PM, Staff] reports that the embassy said the situation in Honduras was improving. Honduras' government echoed part of that language, saying it regretted the situation and that citizens were being "deceived." Mexico's government issued a statement on Saturday reminding foreign nationals that visas should be requested in consulates, not at the border, and said migration rules were "always observed." March organizer Bartolo Fuentes told Reuters that participants were not being offered or promised anything but were fleeing poverty and violence back home. The group began to arrive in Nueva Ocotepique, near the Guatemalan border, on Sunday. The plan is to cross Guatemala and reach Tapachula in southern Mexico to apply for humanitarian visas that allow people to cross the country or get asylum, Fuentes said.

Reported similarly: [Townhall](#) [10/14/2018 8:05 AM, Beth Baumann]

As Migration From Guatemala Surges, U.S. Officials Seek Answers

[Wall Street Journal](#) [10/13/2018 7:00 AM, Alicia A. Caldwell] reports that these rugged rural highlands bordering the Pacific Ocean have become a prime source for the skyrocketing number of immigrant families crossing the U.S. border illegally and asking for asylum. Migrant families from Guatemala seeking asylum in the U.S. have surged past those from neighboring El Salvador and Honduras. More than 42,000 Guatemalans traveling as families were arrested at the U.S. border from last September through August, up 71% from the same period a year ago, according to federal government data. The reasons why aren't clear. Guatemala hasn't recently seen an upswing in violence, poverty hasn't worsened and the national political situation hasn't changed. U.S. Customs and Border Protection Commissioner Kevin McAleenan went to the area seeking to understand why so many Guatemalans are heading north. Before his trip, he suspected hunger to be the leading

cause. Several countries in the region "are really struggling to feed their people," Mr. McAleenan said in an interview.

Understanding why migrants leave their home countries could help government authorities develop programs to deter them and ease the continuing family migration crisis at the southern U.S. border. As of August, more than 90,000 immigrants traveling as families had been arrested at the border over the past 11 months, up 27%. That figure likely reach about 105,000 by September, the end of the federal fiscal year, according to a person familiar with the government's border arrest data. The prior high for a full fiscal year was 77,000. The record number of asylum-seeking families has overwhelmed border agents and immigration authorities. Border Patrol facilities are crowded with newly arrived families, bed space at family detention centers in Texas is at a premium and immigration court backlogs are growing. Authorities suggested there is little more they can do from the U.S. side of the border to deter people from coming into the country illegally. Attempts to increase deterrence — including the Trump administration's controversial family separation policy that was abandoned in June — haven't been effective in slowing the influx of families.

Guatemala Calls on U.S. to Unblock Funds to Curb Illegal Immigration

[Bloomberg](#) [10/12/2018 3:49 PM, Michael D. McDonald] reports that Guatemala is calling on Washington to free up billions of dollars in funding pledged in aid to curb illegal immigration to the U.S. Guatemalan President Jimmy Morales said Friday his nation hasn't yet received "a penny" of \$2.6 billion the U.S. pledged for Alliance for Prosperity program, intended to boost development and cut crime in Guatemala, El Salvador and Honduras, and thereby reduce the number of people fleeing northward. The U.S. is putting onerous conditions on disbursing the funds, he said. "Not even Switzerland could comply with conditions they have given us" for releasing the funds, Morales said during an interview in Washington. Guatemala itself has invested \$2 billion under the program, he said. Morales said the country could use the money to invest in infrastructure and create jobs for thousands of potential migrants. U.S. Customs and Border Patrol says it detained nearly 43,000 family units from Guatemala at the southwest border in fiscal year 2018, up from 24,657 the previous year.

Harris, Thompson, Nadler, Lofgren, Beatty Lead Lawmakers in Letter to Urge Administration to Halt Deportation of Black Mauritians

[Los Angeles Sentinel](#) [10/12/2018 6:32 PM, Sentinel News Service, 10K, CA] reports U.S. Senator Kamala D. Harris (D-CA) and Representatives Bennie G. Thompson (D-MS), Jerrold Nadler (D-NY), Zoe Lofgren (D-CA), and Joyce Beatty (D-OH) led a group of lawmakers in a bicameral letter calling on Department of Homeland Security Secretary Kirstjen Nielsen and Secretary of State Mike Pompeo to cease the deportation of Black Mauritanian nationals, who face the threat of race-based discrimination, violence, or slavery if forced to return to Mauritania. "Most Mauritians in the United States arrived here seeking refuge from government-led racial and ethnic persecution and extreme violence," wrote the lawmakers. "For the following two decades our government declined to deport Mauritians because of the dangerous and potentially life-threatening conditions they would face if they were returned to their country of origin." There are approximately 3,000 Black Mauritians in the United States, most of whom arrived in the 1990s after their government forcibly expelled them and stripped them of their citizenship on the basis of their race and ethnicity. So far in fiscal year 2018, the Trump administration has deported 79 Mauritians, up from eight in FY 2017.

U.S. Gets Green Light to Boot Thousands of African Refugees

[Los Angeles Sentinel](#) [10/12/2018 5:45 PM, Staff, 10K, CA] reports a simmering dispute between the U.S. and Ghana appears to be resolved. Ghanaians can now be deported from the U.S. and a key demand – that their Ghanaian citizenship be proven before deportation – has been dropped. The dispute was settled at the United Nations General Assembly meeting last month. Speaking with the press, Ambassador Baffour Adjei-Bawuah said there was no longer any dispute over the nationality of the affected persons which had been a bone of contention earlier. American immigration officials have every documentation and information that allows the person to be returned to Ghana so they do not need confirmation from the Ghanaian Embassy, he said. Adjei-Bawuah said the agreement had been held up pending "a certain fairness to be applied" and that the Embassy not be pressured to see some people deported.

Army discharged more than 500 immigrant recruits in one year

[The Hill](#) [10/12/2018 12:00 PM, Ellen Mitchell] reports that during a 12-month period the U.S. Army discharged more than 500 immigrant enlistees who were promised a path to citizenship. The enlistees were part of the Military Accessions Vital to the National Interest (MAVNI) recruiting program, which allows legal noncitizens to join the military in exchange for expedited U.S. citizenship. The Defense Department has recruited more than 10,000 immigrants through MAVNI since 2009, the overwhelming majority in the Army, according to the Pentagon. The program was started in 2008, when there was an urgent need for immigrants with medical and language skills. It was put on hold in 2016 after concerns of insufficient screening for immigrant recruits. According to a list the Army submitted to the U.S. District Court for the District of Columbia, 502 service members who enlisted under MAVNI program were discharged between July 2017 and July 2018. Pentagon spokeswoman Maj. Carla Gleason told The Hill on Friday that "there are no individuals being released from their contracts or separated from the military due to their immigration status." Of the discharged immigrants, more than 100 were told their entry-level performance and conduct was subpar and 48 were dismissed because of an adverse security screening. Others were dismissed for reasons ranging from personal problems to encounters with police.

[NY] Attorneys Say 20 Migrant Children Separated from Parents Remain in New York

[WNYC](#) [10/12/2018 3:47 PM, Beth Fertig, 122K, NY] reports during the Trump administration's zero tolerance policy, about 300 kids were sent to New York shelters after being separated from their migrant parents at the U.S.-Mexico border. Now, attorneys tell WNYC that 20 young clients remain. "These are all kids who are seeking to be released to sponsors or returned to their home country," said Beth Krause, supervising attorney with the Legal Aid Society's Immigrant Youth Project, which represented many children and also joined a lawsuit over the family separation policy. Attorneys blame the government for the prolonged separation, almost three months after a court-imposed deadline for reuniting 2,500 children who were taken from their parents. The government claimed some parents were not eligible to join their children again because of "red flags" or criminal backgrounds. Hundreds more were deported. About 200 children are still in government custody.

The children who are seeking to stay with relatives in the U.S. have endured long waits because those sponsors must be vetted and fingerprinted. There was also a lack of communication and coordination, said Alexandra Rizio, a senior staff attorney with the Safe Passage Project. The New York non-profit represented 62 children who were separated

from their families. Rizio said their last client, an 8-year-old boy described as "tiny," finally joined his father this week at a Texas detention center — five months after they were separated. Rizio said the government didn't even notify her office when the child was flown to Texas to join his father this week. Instead, she learned from another attorney in Texas who spotted the father in a family detention center with a child. "We got on the phone yet again with ICE [Immigration and Customs Enforcement] and finally they confirmed yes, they had moved him five days ago and hadn't updated us."

[VA] 287(g) helps ICE target criminals

[Fredericksburg Free Lance-Star](#) [10/13/2018 9:05 PM, Editorial Board, 27K, VA] reports that 78 jurisdictions in 20 states, including Culpeper and Prince William counties in Virginia, have signed a Memorandum of Agreement with U.S. Immigration and Customs Enforcement. Based on Section 287(g) of the federal Immigration and Nationality Act, the MOA authorizes and trains local law enforcement to assist in "the identification, apprehension, detention, or removal of aliens not lawfully present in the United States" — including the controversial practice of holding criminal aliens on detainers for up to 48 hours after their jail release dates. "If your poor decisions cause you to enter our jail, after already being an illegal guest in our community, then I cannot understand why you think you shouldn't be handed over to ICE through this new screening process we're about to implement," Culpeper Sheriff Scott Jenkins said shortly after signing the MOA in April. Jenkins responded to critics by noting that the 287(g) program only affects criminals in custody, adding that immigrants who obey the law have nothing to fear.

[IL] Chicago Sues Trump Again — This Time To Force Justice Department To Release \$2 Million Grant

[The Daily Caller](#) [10/12/2018 12:10 PM, Will Racke, 984K, DC] reports the city of Chicago filed another lawsuit against the Trump administration Friday, this time to force the release of a \$2 million law enforcement grant the government is withholding as punishment for Chicago's sanctuary city policies. Chicago Mayor Rahm Emanuel once again accused the administration of coercing the city by tying the Edward Byrne Memorial Justice Assistance Grants to "new and unlawful" immigration enforcement policies. Friday's announcement marks the second time Chicago has taken legal action in connection with the Trump administration's anti-sanctuary efforts in little more than a year. The city sued Attorney General Jeff Sessions in August 2017 after he announced new eligibility requirements for Byrne grants, including giving immigration agents unfettered access to local jails and notifying federal authorities 48 hours in advance of releasing criminal aliens. A federal judge ruled in favor of Chicago, denying the Justice Department's motion to dismiss the lawsuit and issuing a nationwide injunction against the new eligibility guidelines. Despite the legal victory, Chicago has not received its Byrne grant of more than \$2 million for 2017, and is still waiting on an award letter for this year's grant, according to the mayor's office. Chicago officials contend the Justice Department is trying to do an end run around the injunction by making Byrne grants contingent on new rules against "harboring" illegal immigrants.

Reported similarly: [Chicago Tribune](#) [10/12/2018 4:05 PM, Lisa Donovan, 1740K, IL]

[MN] Minneapolis Mayor Angers Police With Mandatory Placards Aimed at Helping Illegal Immigrants

[FOX News](#) [10/12/2018 10:16 AM, Staff] reports that Minneapolis Mayor Jacob Frey announced this week that mandatory placards detailing immigrants' rights will be displayed

in police squad cars, and now some officers are pushing back. The signs will be in both English and Spanish, and will be displayed in all of the city's squad cars. Lt. Bob Kroll, president of the Police Officers Federation of Minneapolis, said on "Fox & Friends First" Friday that this is an example of city leaders' "extreme, left-wing politics." He said there's been a big backlash to the placards from Minneapolis officers, who want to work with federal authorities to enforce immigration law. "We're all in law enforcement together. And we just feel that it erodes the safety of our citizens," Kroll said.

Reported similarly: [The Daily Caller](#) [10/12/2018 3:16 PM, David Krayden, 984K, DC]

[WI] Pocan Submits FOIA Request Regarding Recent ICE Raids in Wisconsin

[Urban Milwaukee](#) [10/12/2018 10:47 AM, U.S. Rep Mark Pocan, 17K, WI] reports that U.S. Representative Mark Pocan today submitted a Freedom of Information Act request to the U.S. Immigration and Customs Enforcement to receive records regarding recent raids in Wisconsin, including the agency's communication with local law enforcement officials. The request comes three weeks after Pocan initially contacted ICE, and two weeks after Pocan met with officials from the agency in Washington and was promised information that officials have yet to provide. Over his six years in the U.S. House of Representatives, this is the first time Pocan has had to file a FOIA request to receive information from a federal agency. The letter states, in part: "Dear Acting Director Vitiello: Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I request that you produce the following records related to the U.S. Immigration and Customs Enforcement's activities in Wisconsin conducted during September 2018 that resulted in the arrest of 83 individuals. This request follows numerous attempts to gain access to this information dating back to initial contact on September 23, 2018."

[TX] Inside a gigantic U.S. tent shelter for migrant teens

[Washington Post](#) [10/12/2018 8:23 PM, Arelis R. Hernandez] reports that workers compared it to a giant slumber party. Flowers made of plastic bottles, chains of colorful construction paper and pictures of Disney princesses stripped from coloring books adorned dozens of bunk beds inside a cavernous white tent where hundreds of Central American teenagers have spent the past several weeks. On the other side of what looked like a military base, in smaller beige tents that housed up to 20 young men apiece, faux spider webs were strung across the bed frames for Halloween. Clusters of Spanish-speaking teens placed strips of blue tape across their chests to indicate their team affiliation as a spirited soccer match took place on a makeshift pitch of dirt and synthetic grass. The 123-tent complex 30 miles from El Paso is a holding facility for undocumented youths who crossed the U.S.-Mexico border and are waiting to be reunited with parents and relatives. About 1,500 minors are housed there.

Officials at the U.S. Department of Health and Human Services, which contracts with a nonprofit organization to run the facility, took reporters on a tour Friday, providing a glimpse at one facet of the nation's evolving migrant crisis. About 3,200 minors have passed through Tornillo so far, staying 29 days on average. The highest number of occupants at any one time was 1,630 adolescents ages 13 to 17, most of them boys, officials said. All had previously spent time in other shelters and were close to being released. "This is their last stop," HHS spokesman Mark Weber said. The department estimates that nearly 51,000 children will cross the border this year unaccompanied — the third-highest one-year total in history, officials said. As of August, they spent an average of 59 days in HHS custody.

Reported similarly:

[New York Times](#) [10/12/2018 8:23 PM, Manny Fernandez and Caitlin Dickerson]

[Wall Street Journal](#) [10/12/2018 6:12 PM, Alicia A. Caldwell]

[NBC News](#) [10/12/2018 5:38 PM, Julia Ainsley and Annie Rose Ramos, 3740K]

[BuzzFeed](#) [10/14/2018 4:17 PM, Amber Jamieson, 11771K]

[WBUR](#) [10/13/2018 4:00 PM, Monica Ortiz Uribe, 228K, MA]

[Epoch Times](#) [10/13/2018 10:54 AM, Zachary Stieber, 512K, NY]

[KFOX 14](#) [10/12/2018 7:35 PM, Claudia Tristán, 13K, TX]

[El Paso Times](#) [10/12/2018 1:48 PM, Aileen B. Flores, 11K, TX]

[TX] U.S. and Mexican Officials Collaborating to Stop Asylum-Seekers, Attorneys Allege

[The Texas Observer](#) [10/12/2018 9:38 AM, Gus Bova, TX] reports that since June, lawyers allege, Mexican customs officials along the Texas-Mexico border have been doing something virtually unprecedented: stopping asylum-seekers from entering the bridge, and if the migrants lack proper Mexican travel documents, the Mexican agents detain and even deport them. If an asylum-seeker makes it onto the bridge, U.S. customs officials call their Mexican counterparts to retrieve them; the Observer documented this phenomenon in a June story cited in the petition. In Nuevo Laredo, according to sworn affidavits from two Central American asylum-seekers, Mexican agents have demanded bribes of \$500 per person to get onto the bridge. And in September, in Reynosa, they also started rejecting people with Mexican papers. "This petition highlights the reality of the U.S. working hand in glove with the Mexicans to completely shut down bridges, in violation of a number of human rights prohibitions," said Jennifer Harbury, a longtime Rio Grande Valley attorney.

Harbury says in the filings that numerous Mexican agents at the Reynosa bridge have privately told her that the two governments are working together, and they've expressed frustration at doing the United States' "dirty work." Two other witnesses — a journalist and an activist — wrote similar affidavits. But U.S. customs agents have told Harbury that the Mexicans are acting alone, and a September letter she sent to Homeland Security Secretary Kirstjen Nielsen has gone unanswered. The United States began pressuring Mexico to stop migration at its southern border in 2014, and last month, Trump signaled he would redirect \$20 million in foreign aid to beef up Mexico's deportations. Neither U.S. nor Mexican immigration officials responded to Observer requests for comment. In turning the bridges into hostile territory for asylum-seekers, the Trump administration has made a mockery of its own stated immigration goals. According to Attorney General Jeff Sessions, the point of the "zero tolerance" policy was to force families to use official ports of entry instead of crossing illegally. But U.S. customs agents started stonewalling asylum-seekers at the bridges. Now, with the threat of separation gone and the bridges still a dicey proposition, families have responded accordingly: More are crossing the river illegally to turn themselves in to Border Patrol. Immigration officials, in turn, are using this apparent spike to sound the alarm about another border crisis.

Reported similarly: [Kiii-TV3](#) [10/13/2018 11:02 PM, Oscar Margain, 9K, TX]

[CO] Denver mayor declares victory over Jeff Sessions' DOJ after "sanctuary city" funding fight

[Denver Post](#) [10/12/2018 6:16 PM, Andrew Kenney, 500K, CO] reports Denver won, and the feds paid up. That was the city's message Friday as it celebrated the arrival of \$695,000 from the federal government. It's normally a routine affair, but the money was tied up for a year in a national fight between cities and U.S. Attorney General Jeff Sessions. "From the beginning, we have said that if the Department of Justice attempted to withhold federal funding from Denver based on our immigration policies, we would fight them. We did, and the federal courts have agreed with us," Mayor Michael Hancock said in a written statement issued Friday. Denver District Attorney Beth McCann also weighed in on the city's financial victory. Denver originally applied in August 2017 for regular "justice assistance" grant funding from the justice department. City officials expected to receive the money that fall and planned to use it for police technology and programs. In August, a federal appeals court issued an order allowing cities to collect the funding without complying with the immigration-related conditions tied to the money.

The controversy actually dates to 2016, in the last months of the Obama administration, when the Justice Department said cities could not forbid exchange of immigration status information if they wanted the funding, as The Marshall Project reported. Sessions expanded that policy in 2017, saying that cities and states receiving funding had to allow federal immigration agents into jails, and that they must notify the feds before releasing unauthorized immigrants who are wanted by federal authorities. "So-called 'sanctuary' policies make all of us less safe because they intentionally undermine our laws and protect illegal aliens who have committed crimes," Sessions said at the time. City officials argued that they were in compliance with rules about communication between the jails and U.S. Immigration and Customs Enforcement officers. However, Denver jail officials have previously said that it's not always possible to give 48 hours' notice, which is what ICE requests; courts have ruled that cities can't detain people on immigration concerns once they've served a sentence, made a bond or otherwise are eligible for release. And a new city law says immigration agents need a warrant to enter secure jail areas.

[AZ] Yuma Mayor Addresses Unexpected Release Of Immigrant Families

[KJZZ](#) [10/12/2018 5:51 PM, Steve Goldstein and Mark Brodie, 13K, AZ] reports that this week, during a U.S. Senate Committee hearing on "Threats to the Homeland," newly appointed Sen. Jon Kyl spent most of his allotted time asking Homeland Security Secretary Kirstjen M. Nielsen about the department's plans for Yuma, Arizona. That's where, just this week, U.S. Immigration and Customs Enforcement began releasing undocumented immigrant family units into the care of churches without formal reviews. ICE says they have run out of detention space and time. According to the Flores Settlement, the government can only hold children in detention for 20 days. Yuma Mayor Douglas Nicholls joined The Show to talk about the situation. [Editorial note: consult source link for audio]

[AZ] Tucson woman wants to make sure kids don't lose their deported parents

[AZ Central](#) [10/14/2018 6:05 AM, Linda Valdez, 665K, AZ] reports that it started with Tucson social worker Laurie Melrood. She saw gaps between the state's child welfare system and federal immigration system – gaps that could devastate families. She set a goal: "No parent would disappear." Then she set in motion a multi-year, transnational process that reflects the quintessentially human values of sparing children from trauma and respecting family bonds. Long before this news story, Melrood was troubled by this disconnect between the federal and state systems and potential impact in our state. She shared her concerns with Kathleen Quigley, presiding judge in the Pima County Juvenile

Court. They started making phone calls. It was community organizing. "I didn't know where it would go," said Melrood. The result was the Southern Arizona Transnational Task Force. The toolkit will help assure the questions get asked and answered. Kids need to know they're not abandoned. The toolkit explains how to find someone in the currently in federal immigration detention or after they have been deported. It tells how to connect parents to court proceedings by phone or other means so they can assert their parental rights. "It can be very difficult for lay persons to understand current policies of ICE (Immigration and Customs Enforcement)," says Melrood. The toolkit is a roadmap.

[OR] Sanctuary law in the cross-hairs

[Medford Mail Tribune](#) [10/14/2018 5:40 AM, Nick Morgan, 17K, OR] reports Oregonians will decide Nov. 6 whether they want to remain a sanctuary state. Ballot Measure 105, a statewide initiative, would strike an Oregon law that since 1987 has prevented local and state law enforcement agencies from arresting people suspected only of violating federal immigration law. Supporters say the measure would untie local law enforcement's hands, but opponents worry it'll erode immigrant communities' trust in local police, and lead to the profiling that sparked the law's near-unanimous passage in the first place. Oregonians for Immigration Reform, which backs the measure, argues that by striking Oregon Revised Statute 181A.820, local law enforcement agencies will be better able to cooperate with Immigration and Customs Enforcement officers in detaining undocumented immigrants.

[CA] 52% of Detained Immigrants in 2017 Had No Criminal Past

[NBC San Diego](#) [10/12/2018 2:22 PM, Anlleyn Venegas and Christina Bravo, 119K, CA] reports that more than half of immigrants detained in San Diego last year by Immigration and Customs Enforcement did not have criminal convictions, according to recently released data. NBC 7 Investigates filed a Freedom of Information Act request for the number of arrests made by ICE's San Diego sector office and received numbers that show about 52 percent of immigrants detained last year in San Diego County do not have criminal convictions. The data showed that in 2017, ICE arrests of immigrants living in San Diego that do not have a criminal past increased by about 257 percent compared to the previous year. The number of arrests of non-criminal immigrants has increased by 59 percent since 2014, according to the data.

ICE released the following statement in response to the data released by TRAC: U.S. Immigration and Customs Enforcement (ICE) focuses detention resources on mandatory detention cases and aliens with criminal activity; however, no category of alien is exempt from enforcement. All aliens in ICE custody are detained as a result of immigration violations. An analysis of the ICE population at nearly the same time (June 23, 2018) of the Transactional Records Access Clearinghouse's (TRAC) report shows 54% of ICE's detained population had a criminal conviction or pending charge(s) and 70% were subject to mandatory detention. These figures reflect appropriate allocation of limited resources. As an agency, ICE is charged with administrative civil detention, which means individuals who come into ICE custody can only be detained for the purposes of furthering an immigration case or removal from the country. ICE makes custody determinations in accordance with U.S. law and DHS policy.

[CA] Major Health, Safety Problems Found At ICE Detention Facility In Adelanto, California

[WBUR](#) [10/12/2018 11:36 AM, Staff, 228K, MA] reports that inspectors found significant health and safety risks at the Adelanto U.S. Immigration and Customs Enforcement detention facility in California. A Nicaraguan man died after he hung himself from a noose made of bedsheets in March, 2017. Detainees also have to wait weeks and months to see doctors or to get dental care. Here & Now's Peter O'Dowd talks to Paloma Esquivel, a reporter with the Los Angeles Times, about conditions at the facility. [Editorial note: consult source link for audio]

[CA] Oakland Review Agency Exonerates Police Chief Over False Statements Regarding ICE Raid

[East Bay Express](#) [10/12/2018 2:08 PM, Darwin BondGraham, 43K, CA] reports according to Oakland's Community Police Review Agency, Police Chief Anne Kirkpatrick did nothing wrong when she made multiple false and inaccurate statements about an ICE raid that OPD officers assisted in August 2017. CPRA Executive Director Anthony Finnell closed the case and informed the Oakland Police Commission at its meeting last night about his findings. But several commissioners expressed frustration with the results because of Finnell's refusal to explain exactly why he cleared Kirkpatrick, despite the existence of video in which the chief made false statements. Commissioners also questioned why it took a year to complete the investigation. And in a surprising revelation, Finnell also told police commissioners last night that they're not allowed to look at the contents of CPRA investigative files, even though they're tasked with reviewing cases and approving the CPRA's findings — and determining whether Finnell and his investigators are doing their jobs correctly.

The August 2017 ICE raid targeted a house in West Oakland where federal immigration agents arrested one man and subsequently initiated a deportation case against him. Kirkpatrick assigned several Oakland police officers to help the ICE agents by blocking off the streets to through traffic. Mayor Libby Schaaf later defended Kirkpatrick's decision, before ultimately deciding that OPD should sever all ties with ICE. OPD's assistance ignited a controversy because Oakland's sanctuary policies bar the police from working with federal agents to enforce immigration laws. (At the time, OPD was authorized to work with ICE in criminal investigations, however). In response to the incident, the Oakland City Council passed a resolution clarifying that any and all forms of assistance to ICE are prohibited. But in the days and weeks after the ICE raid, Kirkpatrick claimed that OPD's assistance wasn't a violation of Oakland's sanctuary policy because ICE was carrying out a warrant in a "human trafficking" case. She repeatedly claimed the ICE raid was a criminal matter not involving civil immigration enforcement. Several weeks later at a public event hosted by Councilmember Abel Guillen, Kirkpatrick again claimed that the raid was a criminal case involving human trafficking, and she specifically stated, on a video recorded by the Express, that "only one person has been charged with a crime, and there is not a deportation matter in this case."

Legal News

Trump administration appeals ruling that immigrants can stay

[New York Times](#) [10/12/2018 8:00 AM, Associated Press] reports the Trump administration is appealing a judge's ruling that prevents the deportation of hundreds of thousands of immigrants from four countries who are living and working in the U.S. under temporary protected status. Attorneys for the U.S. Department of Justice filed the notice of appeal on

Thursday. It was expected after U.S. District Judge Edward Chen in San Francisco last week issued a preliminary injunction stopping the administration from ending the protections for immigrants from Sudan, Nicaragua, Haiti and El Salvador. Temporary protected status is granted to people from countries ravaged by natural disasters or war. The judge said there was evidence that President Donald Trump harbors prejudice against non-white, non-European immigrants. The Justice Department said the administration has done nothing improper.

Thousands of legal immigrants face daunting decision after their 'Temporary Protected Status' ends

[USA Today](#) [10/15/2018 6:50 AM, Alan Gomez] reports Ronyde Christina Ponthieux, an 11-year-old U.S. citizen who lives in this South Florida suburb, spends most days alternating between two agonizing thoughts. Some days, she ponders the possibility of her parents being forced to move back to their native Haiti and bringing her with them to a country she's never even visited. Other days, she feels frightened her parents might have to return to Haiti and leave her behind. "I would be living with a different family. I could even be in the (foster care) system. It blows my mind." Ponthieux's parents wish their piano-playing sixth-grader wouldn't have to contemplate such thoughts, but that's the reality facing hundreds of thousands of families, all legal residents, that are now being ordered by the Trump administration to go back home. Temporary Protected Status, or TPS, has allowed more than 317,000 foreigners to legally live and work in the U.S., many for more than two decades, as their countries recover from natural disasters and armed conflicts. Six countries, which represent 98 percent of the TPS population, have been cut from the program, each given a deadline to leave the U.S. The first deadline, for Sudan, was scheduled to come up in just a few weeks. A federal judge's order last week to temporarily stop the administration from ending the program offers hope to some TPS holders, but no guarantee about their future. The Justice Department is appealing the ruling.

Government separated immigrant family, asked 5-year-old to sign away hearing rights

[ABA Journal](#) [10/12/2018 3:50 PM, Lorelei Laird, 55K] reports a 5-year-old Honduran asylum seeker was separated from her grandmother after the Trump administration officially ended its policy of separating families-and asked to sign away her right to a bond hearing, the New Yorker reported Thursday. The New Yorker article, which says the federal government is still separating families despite having purported to end the practice this summer, came the same day that Amnesty International published a report saying the government had separated far more families than previously disclosed-at least 8,000 family units in 2017 and 2018. Those numbers come from Customs and Border Protection records, Amnesty International says, and do not include children separated from relatives other than a parent. Though many such families carry documentary evidence of their relationships, the federal government has declared those relationships "fraudulent." "These shocking new numbers suggest that U.S. authorities have either misinformed the public about how many families they had forcibly separated, or they continued this unlawful practice unabated, despite their own claims and court orders to halt family separations," said Amnesty International's Americas Director, Erika Guevara-Rosas.

The Amnesty International report says this is part of a deliberate campaign by the Trump administration to deter and punish asylum seekers. In addition to continuing to separate families, the report says this campaign includes turning away asylum seekers at ports of

entry – forcing those people to either stay in Mexico or cross without authorization – and imprisoning asylum seekers pending their hearings, sometimes for several years without any possibility of bond. All of this violates U.S. international law on asylum, the report points out. Reached by Newsweek, a spokesperson for the Department of Homeland Security denied that the agency has ever had a family separation policy, and called the Amnesty International report "Not even remotely credible." "This is a deeply flawed, inaccurate report authored by an open-borders activist group," DHS spokesperson Katie Waldman told the magazine.

Preap High Court Argument Focused On Immediacy Of 'When'

[Law 360](#) [10/12/2018 5:15 PM, Kevin Johnson] reports for years, the U.S. government has detained immigrants as a way of enforcing the U.S. immigration laws and to deter future flows of migrants to the United States. Over the last 20 years, the U.S. Supreme Court has regularly grappled with legal challenges to immigrant detention. Just last term, for example, the court in *Jennings v. Rodriguez* found that there was statutory authority for the detention of certain noncitizens without bond but remanded the case for the court of appeals to determine the constitutionality of the statutory provision in question. From his first days in office, President Donald Trump as part of an aggressive immigration enforcement agenda has enthusiastically ramped up the use of immigrant detention. In a January 2017 executive order, he announced the end of "catch and release," a phrase disparagingly referring to the conventional practice of arresting and then allowing noncitizens, who are not at risk of absconding or a threat to the public safety, to bond out of custody while awaiting a removal hearing. Detention became the norm. The Trump administration specifically has engaged in the aggressive use of detention (combined, for a time, with the controversial policy of separating families) in seeking to deter Central American asylum seekers from coming to the United States. Inevitable legal challenges followed and can be expected to continue.

In light of the Trump administration's aggressive use of immigrant detention, the case of *Nielsen v. Preap*, which was argued in the Supreme Court on Oct. 10, takes on added significance. The question presented in the case is a technical one of statutory construction. However, the case raises broader questions about limits on the U.S. government in the enforcement of the immigration laws, in this instance the use (and limits) of detention. The statutory question presented in *Nielsen v. Preap* is whether an immigrant can be subject to mandatory detention under 8 U.S.C. Section 1226(c) if, after release from criminal custody by a state, the U.S. Department of Homeland Security does not immediately take the immigrant into custody. The statute provides that the U.S. government "shall take into custody any alien ... when the alien is released, without regard to whether the alien is released on parole, supervised release or probation ...". As frequently occurs in immigration cases that come before the Supreme Court, the issues raised boil down to the interpretation of the immigration statute — infamous for its complexity — and the deference, if any, properly afforded the agency's determination.

[GA] The only lawyer in town: a lonesome figure stands up for immigrants

[The Guardian](#) [10/14/2018 6:00 AM, Khushbu Shah, UK] reports Marty Rosenbluth stood in front of his KitchenAid and poured flour into the mixer, clad in cargo shorts and a white tank top with part of a phoenix tattoo peeking out by his left shoulder. He had just returned from the Stewart county detention facility, an obscure part of the frontline of America's immigration crisis. As the only private immigration attorney in the tiny Georgia town of Lumpkin – and indeed the only one along the 120-mile stretch from Lumpkin back to Atlanta

– Rosenbluth is always busy at Stewart. The short, wiry 59-year-old had just driven from his home-turned-office to the detention center at 7am to drop off forms to a Nepalese detainee as a favor to the man's far-flung lawyer. Though he has represented hundreds of detainees in his 18 months living full-time in the town near the Alabama-Georgia state line and has his own heavy caseload, Rosenbluth never turns down an opportunity to help, without charge.

His services are greatly needed. Across America tens of thousands of undocumented immigrants struggle to get effective legal representation simply because they are held in isolated, rural detention centers far from any lawyers who can represent them in person or indeed at all. Lumpkin is typical. Less than 6% of detainees in Lumpkin between 2007 to 2012 had representation, one study found. The national average for those years wasn't much higher at 14%, according to a 2016 American Immigration Council report. Activists say that leads to many immigration cases not being effectively heard, contributing to a national immigration crisis that sees widespread injustice to those being detained. Judge Randall Duncan sits in the courtroom and dials the numbers of the attorneys who represent their clients remotely. Attorneys who don't live in Lumpkin tend not to come to town for hearings. Rather, their voices crackle from a distance over the loudspeaker. The latest data available from the US Department of Justice Executive Office for Immigration Review, from October 2015 to September 2016 shows Stewart's asylum grant rate was 7% that year, with the national average at 43%. Judge Duncan's 2017 asylum grant rate is 2.3%. Courts tend to take on an institutional persona, Rosenbluth added, mentioning that Stewart county detention facility is known to be one of the toughest in the nation. Including releases on bond, Rosenbluth says he's had only a dozen victories since he started working in Lumpkin.

[MN] Nelson Pinos, A Life in Sanctuary

[Yale Daily News](#) [10/12/2018 3:32 AM, Sammy Westfall, CT] reports sitting within the confines of the First and Summerfield United Methodist Church in New Haven, Nelson Pinos could hear the chants getting louder. Pinos, 43, came to the United States as a teenager. But, now, 26 years later, he is seeking sanctuary from Immigration and Customs Enforcement. For 316 days, he has not left the First and Summerfield Church. When Pinos was 18 years old, he walked toward downtown Minneapolis while on a monthlong visit with his brother-in-law in Minnesota in 1993. "We saw something waiting on the streets. We didn't know what it was," said Pinos. "It was immigration." The immigration officers, working on behalf of former U.S. Immigration and Naturalization Service, took Pinos to their office to be processed. The same day in 1993 that Pinos was detained in Minneapolis, immigration officials began processing his case. Typically, when undocumented immigrants are put in removal proceedings, they receive a document that says that they must appear in court — but this first document does not detail the time or place of that appearance, according to one of Pinos' current attorneys, Tina Colón Williams '09. The immigration officials in Minnesota proceeded without Pinos. Pinos, having returned to the east coast, was unaware of the proceedings against him. In 1994, the immigration court in Bloomington, Minnesota, issued an order of removal in absentia against Pinos, meaning he was not present at the hearing. In 2014, Pinos' attorney at the time challenged the existing two-decade-old order, the one Williams called the "sticking point" in Pinos' case. "The argument essentially is that he wasn't fully notified of the proceedings, and because he didn't know about them, he didn't show up," said Williams. "So he should be given another chance to show up, at least." This legal argument was not successful. That same attorney filed a motion to reconsider, which was also denied by the court. The attorney then appealed it to the Board of Immigration Appeals. That appeal was dismissed in April of 2015.

[CO] Denver City Attorney: Victims continue to back out of cases over deportation fears

[Denver 9 News](#) [10/14/2018 9:26 AM, Katie Eastman, 178K, CO] reports that Denver officials have made it clear they want victims of crimes to come forward regardless of their immigration status, but no one can promise those victims they won't encounter immigration officials inside a courthouse. "We have 30 reliable reports of domestic violence victims backing out of their cases because they're afraid they're going to get deported," said Kristin Bronson, Denver's city and county attorney, in an interview with NBC News. Bronson says those reports have come since President Trump took office, and they are because Immigration and Customs Enforcement officers are arresting people on a more routine basis in courthouses. "It means that abusers are going without consequences," she said. "It means that abusers are beginning to feel like they are immune from prosecution." ICE does designate "sensitive locations," which are places where officers will generally avoid arresting people. They include schools, medical facilities, places of worship, funerals, weddings and public demonstrations. ICE does not consider courthouses sensitive locations. After a video was released of a defendant being arrested by undercover ICE officers the Denver courthouse, Mayor Michael Hancock wrote a letter to ICE asking them to deem courthouses as sensitive locations.

Enforcement News

Jails Nationwide End Contracts With Immigration And Customs Enforcement

[NPR](#) [10/14/2018 8:00 AM, Matt Katz] reports that local governments will lose millions of dollars that they receive for detaining migrants. Officials say they don't want to play a role in ICE's crackdown on unauthorized immigrants. [Editorial note: consult source link for audio]

[MA] Amherst church hosts celebration for Lucio Perez 1 year after taking sanctuary

[WWLP](#) [10/14/2018 9:26 PM, Tashanea Whitlow and Jennifer Zarate, 51K, MA] reports that this week marks the one year anniversary that an illegal immigrant took sanctuary inside an Amherst church. Lucio Perez isn't in jail, or back in his home country of Guatemala, as ICE officials ordered the illegal immigrant to do last summer. Instead, he's been seeking sanctuary in the First Congregational Church in Amherst, for nearly a year. Sunday, the church tolled their bells 361 times – each ring marking a day, this husband and father has been separated from his family. Perez has been in this country for nearly 20 years, but a 2009 encounter with police for child endangerment, caught the attention of ICE. According to Pastor Vicki Kemper, the case was dropped, but it was too late. Lucio's lawyer is asking the Bureau of Immigration Appeals to reopen his case.

[DE] Two charged in Georgetown with identity theft and more: Police

[Delmarva Now](#) [10/14/2018 10:14 AM, Meg Ryan, DE] reports that Georgetown police have arrested two men on multiple charges including identity theft. Allan Castillo, 28 and Andrea Villar-Martinez 31, both of the Dominican Republic, were arrested for 16 counts of identity theft, 16 counts of conspiracy second-degree and possession of marijuana, police said. Georgetown police are working in conjunction with Homeland Security Investigations Delaware, according to a news release.

[NC] 2 fugitives, hiding for 19 years, caught

[WRAL](#) [10/12/2018 6:31 PM, Deborah Strange, 394K, NC] reports two fugitives on the run for nearly 19 years were arrested last week and will return to North Carolina from Mexico to face drug charges, the U.S. Marshals Service announced Friday. Robert Edward Freer II, 61, and his wife, Wendy Dehaven Freer, 52, were indicted in November 1999 on federal charges of conspiracy to distribute marijuana and money laundering. They fled the area before they could be arrested, authorities said. In mid-July, Deputy U.S. Marshals Dan Tubman and Bryan Konig of the Eastern North Carolina Violent Fugitive Task Force learned the Freers were living on Mexico's Baja Peninsula under different names, authorities said. Authorities found the Freers on Oct. 4 in the vacation rental resort they owned and operated on San Pedrito Beach, authorities said. They were deported from Mexico and flown to Los Angeles to begin the process of returning to North Carolina. The Marshals Service, the U.S. Department of State, U.S. Immigration and Customs Enforcement and the U.S. Attorney's Office for the Eastern District of North Carolina collaborated to locate the Freers.

[GA] Man wanted for vehicular homicide in Georgia arrested in Rankin County

[16 WAPT](#) [10/12/2018 3:22 PM, Angela Williams, 13K, MS] reports a man suspected in a fatal hit-and-run crash in Georgia was arrested Thursday during a traffic stop on Interstate 20 in Rankin County, authorities said. A Hyundai passenger van with three people inside was stopped about 2:30 p.m. Thursday by a member of the Mississippi Highway Patrol Criminal Apprehension Team. Agents with the U.S. Immigration and Customs Enforcement Agency were called to assist, MHP officials said. "Upon investigation, it was determined one of the occupants, Nicolas Alonzo-Ramos, 25, was wanted for vehicular homicide in Georgia," Capt. Johnny Poulos, with MHP, said in a news release. Alonzo-Ramos is being held at the Rankin County Detention Center awaiting extradition to Georgia.

[OH] Attorneys Say Cincinnati Residents from Mauritania Face Slavery if Deported

[Cincinnati City Beat](#) [10/12/2018 1:00 PM, Nick Swartsell, 10K, OH] reports Greater Cincinnati residents who fled oppression in their native country of Mauritania are at risk of being deported by the U.S. government back to that country, attorneys and advocates said in a news conference call yesterday. Ohio has the largest population in the country of black Mauritians, who face slavery, torture and lack of basic citizenship and civil rights in their home country, according to CIA and State Department reports. Mauritania officially outlawed slavery in 1981 – the last country on earth to do so – but human rights experts and U.S. officials say laws against slavery and racial violence are often not enforced. Oumar Thiam and Issa Sao, both greater Cincinnati residents, could face deportation as early as next week after they were arrested and detained by Immigration and Customs Enforcement officials recently. Thiam, who lives in Kennedy Heights, has been in the United States for 18 years and has been working jobs under a work permit. He applied for asylum, but that application was denied in 2004. Yesterday, the Board of Immigration Appeals issued an emergency stay for Thiam's deportation – but he remains in custody and could still be flown out of the country soon.

[OH] ICE agents DEPORT an Argentinian illegal immigrant father after they found his lost wallet, called him and arranged a meeting to give it back

[Daily Mail](#) [10/12/2018 1:10 PM, Adry Torres, UK] reports an undocumented Argentine married man figured the generous person on the other end of the phone was carrying out the good deed of returning his wallet hours after he had lost it. Instead it was all part of the process to have him detained by immigration agents, and setting up the clueless man for deportation this week although he was in the final stages of receiving his green card. On

Tuesday, Flavio Musmanno, 44, left an emotional message on his Facebook account before he was deported to his native hometown in Mar de Plata, Argentina, thanking his friends and family and vowing not to 'lose the war' against the Trump administration. Earlier this summer Musmanno, who filled the role of a supervisor, was asked to fill in for a co-worker who was unable to make it to Ohio. On August 28, the Argentine immigrant lost his wallet which contained just an expired identification card, bank cards and \$40. Although the his stepdaughter told DailyMail.com that Musmanno did not have a document listing his phone number in the wallet, the agents posing as a Good Samaritans somehow managed to get a hold of him directly and never identified themselves as immigration officers. Instead of retrieving his wallet, Musmanno, who has two grandchildren and did not have a criminal record, was immediately detained by U.S. Customs and Border Patrol agents from the Sandusky Bay Station in Port Clinton, Ohio, according to a statement provided by the U.S. CBP to DailyMail.com. DailyMail.com also reached out to the United State Immigration and Customs Enforcement agency for comment.

[TX] U S Marshals Service Announces 100 + Gang Member Arrests

[WBAP News](#) [10/12/2018 10:55 PM, Staff, 9K, TX] reports that the U.S. Marshal's Services says a North Texas joint force joining forces of federal and local law enforcement agencies has arrested 104 alleged gang members from North Texas streets. The Marshal's service says Operation Triple Beam has been launched 50 times nationwide since 2010, resulting in 8 thousand arrests. Marshals Service says it partnered with Bureau of Alcohol, Tobacco and Firearms and Explosives, Drug Enforcement Administration, Homeland Security Investigations - Immigration and Customs Enforcement; Dallas Police Department, Arlington Police Department, Dallas County Sheriff's Office, Grand Prairie Police Department, Tarrant County Sheriff's Office and the Tarrant County District Attorney's Office.

[TX] Gang member wanted for homicide in El Salvador deported by ICE

[Fox San Antonio](#) [10/12/2018 10:01 PM, Staff, 7K, TX] reports that U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations deported an immigration fugitive and MS-13 gang member Thursday who was wanted in El Salvador for aggravated homicide. Authorities said 25-year-old Santos Mauricio Urquilla Rodriguez was deported to El Salvador Thursday by ICE Texas. According to Salvadoran authorities, he was wanted for various violent crimes in his home country such as aggravated homicide and membership with a terrorist organization. Reports said he and other alleged MS-13 gang members allegedly used machetes to murder an associate of theirs. "U.S. Immigration and Customs Enforcement will continue to focus its removal resources on violent criminals and other high-priority aliens who pose the greatest threat to our communities," said field office director of ERO San Antonio Daniel Bible. "This removal ensures that this individual will face justice for the allegations against him." Urquilla Rodriguez filed an appeal and after discussing his case, the Board of Immigration Appeals affirmed the judge's decision to deport him back to El Salvador.

[TX] Laredo fugitive to serve 99-year sentence after years on the run

[Laredo Morning Times](#) [10/12/2018 9:42 AM, César Rodriguez, 63K, TX] reports that in July 2011, Victor Manuel Palomo stood trial for fatally shooting a man and wounding another at an after-prom party in northwest Laredo. During the third day of his trial, he failed to return from lunch. The trial continued without him, and jurors ended up convicting Palomo of murder and aggravated assault. In July 2015, authorities in Laredo said they discovered Palomo had been arrested in Monterrey, Mexico on a theft charge. A month later and about

10 days before he was set to be extradited to the United States, Palomo and another inmate broke out of a prison in Nuevo Leon using a hacksaw, according to authorities. Now, after being on the run for seven years, Palomo is behind bars in Webb County. The 30-year-old was detained Thursday in Nuevo Laredo, Mexico with the help of the U.S. Marshals, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, Webb County Sheriff's Office, Laredo Police Department and the Webb County District Attorney's Office. On July 15, 2011, Palomo was found guilty of murder and sentenced to 99 years for murder and 20 years for aggravated assault with a deadly weapon.

Reported similarly: [KGNS](#) [10/12/2018 4:23 PM, Staff, 8K, TX]

[TX] Victim faces drunk driver who killed her boyfriend and unborn child

[KXAN](#) [10/12/2018 6:19 PM, Matthew Prendergast, 167K, TX] reports that the surviving victim of a deadly crash in June took the stand Wednesday to confront the drunk driver that took the life of her boyfriend and unborn child. Estefania Soto, 26, has spent her days in various hospital rooms since the crash on June 10. She and her boyfriend, 28-year-old Raul Diaz Jr., were on a motorcycle on Farm to Market 973 near FM 969 in east Travis County when they were hit head-on by a truck. The crash killed Diaz and resulted in the premature birth of their child. Soto, 26, was only six months pregnant. Their baby was delivered through a C-section after the crash and passed away shortly after. Police arrested the driver of the truck that hit them, 38-year-old Cesar Corona-Quiterio, on charges of intoxication manslaughter and intoxication assault. He is also being held for an Immigration and Customs Enforcement detainer.

[CA] Bay Area Lawmakers and Advocates Urge Governor to Pardon Refugees Facing Deportation

[KQED](#) [10/12/2018 11:05 AM, Hope McKenney, 194K, CA] reports Asian-American state lawmakers, along with immigrant and civil rights advocates, are urging Gov. Jerry Brown to immediately pardon dozens of Southeast Asian refugees facing deportation. This group of refugees — mostly from Cambodia — are permanent legal residents, and most have lived in the U.S. since they were children. But in past years they were convicted of crimes, some of them gang-related. Because of that, immigration authorities have stripped them of their legal immigration status. The refugees seeking pardons have been detained by U.S. Immigration and Customs Enforcement (ICE) and could be deported before the end of the year. Advocates are turning to the governor because if the criminal convictions are pardoned, the refugees could reopen their cases in immigration court and fight deportation.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

[EOIR Morning Briefing Archive](#)

Tuesday, Oct. 16, 2018

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Executive Office for Immigration Review

Teresa Giudice and daughters post about Joe Giudice's planned deportation

[CNN](#) [10/15/2018 1:54 PM, Lisa Respers France] reports that "Real Housewives of New Jersey" star Teresa Giudice is dealing with her husband's pending deportation. Joe Giudice, who also appeared on the Bravo reality series, is scheduled to be released from prison in 2019 and is reportedly to be sent back to his native Italy. Giudice began serving a 41-month prison sentence for mail, wire and bankruptcy fraud in March 2016, months after his wife was released for the same case after serving 15 months. On Sunday, Teresa Giudice posted an image on Instagram that depicts the Statue of Liberty, a symbol of immigration, covering her face with her hands. The reality star captioned the photo using praying hands emojis. Her husband came to this country as a baby. He has said he learned much later in life that he is not a U.S. citizen.

[CBS News](#) [10/15/2018 3:48 PM, Andrea Park] reports that on Sunday, Gia Giudice, daughter of "Real Housewives of New Jersey" star Teresa Giudice and Joe Giudice, wrote on Instagram that their family needs their father to come home after he is released from prison. She said her father's time in prison should be enough of a punishment for his crimes. Joe Giudice is currently serving a sentence of 41 months in prison for mail, wire and bankruptcy fraud. He is due for release in 2019.

[ABC News](#) [10/15/2018 12:17 PM, Michael Rothman, 3178K, NY] reports that Joe Giudice now has 30 days to appeal the deportation ruling, a spokeswoman for the Executive Office

for Immigration Review told ABC News last week.

Reported similarly:

[FOX News](#) [10/15/2018 1:54 PM, Katherine Lam]

[Newsday](#) [10/15/2018 5:41 PM, Frank Lovece, NY]

Inside Teresa Giudice's Uphill Battle to Keep Her Family Together

[E! News](#) [10/15/2018 1:50 PM, Billy Nilles, 1480K] reports that if we've learned one thing watching Teresa Giudice on The Real Housewives of New Jersey all these years, it's that you don't come between her and her family. What's a fighter like Tre to do when the force threatening to break up her family is not an embattled co-star, but the almighty United States government? With a Pennsylvania immigration court judge ordering last week that incarcerated husband Joe Giudice be deported back to his native Italy, without providing an exact time frame, once his three-year prison sentence is complete in March of 2019, this is gearing up to be the most important battle the Bravolebrity has ever faced – and the one that, sadly, she has the slimmest odds of winning. "Mr. Giudice was ordered removed by an immigration judge with the Executive Office for Immigration Review," ICE said in a statement to E! News. "Mr. Giudice has reserved his right to appeal the decision to the Board of Immigration Appeals and has 30 days to file an appeal before the order becomes final."

[CA] Detained by ICE: The Story of Jorge Gomez

[The Corsair](#) [10/13/2018 12:09 PM, Ben Camacho, CA] reports "My name is Jorge Steven Gomez, I am 19 years old, I came from Honduras and on September 19th, I was released on bond from the Adelanto ICE Processing Center," said Jorge Gomez. On August 23, 2017, Gomez was arrested by the Los Angeles County Sheriff's Department and taken into custody at the Twin Towers Correctional Facility in Los Angeles. During his six month sentence, he received a notice from the Immigration and Customs Enforcement (ICE) agency stating that he was to be detained for immigration processing. Gomez fled Honduras when he was 16 and was approved for Special Immigrant Juvenile Status (SIJS). This immigration status is granted to children who arrive unaccompanied and were neglected, abused, or abandoned in their home country by one or both parents, according to the United States Citizenship and Immigration Services (USCIS). With the current intense turmoil in Honduras, a deportation for Gomez can result in a death sentence.

Gomez arrived at the Adelanto ICE Processing Center during April of this year. He then signed up to get help from the Legal Orientation Program, which led to him being represented by public attorney Jaqueline Aranda. At the Adelanto ICE Processing Facility, detainees must act affirmatively by signing up on fliers posted in the dormitories to obtain services from the Legal Orientation Program. According to the Executive Office for Immigration Review (EOIR), the Legal Orientation Program staff relies on ICE to bring individuals listed on the sign-up sheet. "The Legal Orientation Program has no input or control over which detainees they see or when they see a detainee at ICE's Adelanto Processing Center," said Gail Montenegro, the EOIR's Regional Public Information Officer for the Midwest. Gomez's processing has developed differently due to him being processed in both the immigration court system and having the Special Immigrant Juvenile Status while in line for a visa. The hope, according to Aranda, was that a visa would become available before the removal proceedings were over.

Policy and Legislative News

Sessions: MS-13 gang, drug cartels among top threats to U.S.

[Washington Post](#) [10/15/2018 1:38 PM, Michael Balsamo] reports that Attorney General Jeff Sessions created a new task force aimed at zeroing in on the three of the world's most notorious drug cartels and the brutal MS-13 street gang, already considered a top priority for federal law enforcement. Speaking to a group of federal prosecutors on Monday, Sessions designated five groups as top transnational organized crime threats and said the new task force will "develop a plan to take each of these groups off of our streets for good." Sessions was speaking directly to one of the president's prime targets amid the administration's broader crackdown on immigration: MS-13. Trump has said MS-13 gang members from the stronghold of El Salvador are coming to the U.S. both illegally and as unaccompanied minors to wreak havoc. He has held up the gang as a reason for stricter immigration policies meted out by Sessions and others. "With more than 10,000 members in the United States, this gang is the most violent gang in America today," Sessions said. Last year, Sessions directed officials to pursue all possible charges against MS-13 members, including racketeering, gun and tax law violations. He also designated the gang as a "priority" to a multiagency task force that has historically focused on drug trafficking and money laundering, which he called a "powerful weapon to use against this vicious gang."

[UPI](#) [10/15/2018 2:31 PM, Ed Adamczyk, 303K, DC] reports that Sessions said the task force will include federal prosecutors from the Drug Enforcement Administration, FBI, ATF, Immigration and Customs Enforcement, Homeland Security, IRS, Department of Labor, U.S. Postal Service, Secret Service, the Marshals Service and the Coast Guard. The coalition will be led by Adam Cohen, chief of the Office of Enforcement Operations in the Justice Department's criminal division.

Noteworthy moments from Trump's '60 Minutes' interview

[CNN](#) [10/15/2018 8:25 AM, Kate Sullivan, 28810K] reports that in an interview broadcast Sunday night that on CBS's "60 Minutes," President Donald Trump and Lesley Stahl reached an impasse when he refused to give her a straight answer on whether or not he would resume enforcement of his administration's "zero tolerance" immigration policy that led to family separations at the southern border. Instead, the President told Stahl that former President Barack Obama also maintained the same policy. When he later cited Obama again, Stahl changed subjects, leading Trump to claim that she was being unfair to him. [Editorial note: consult source link for video]

Reported similarly: [Politifact](#) [10/15/2018 12:45 PM, Louis Jacobson, 409K]

Separating families again? What we know about the proposed 'binary choice' policy

[CNN](#) [10/15/2018 11:56 PM, Catherine E. Shoichet and Geneva Sands, 28810K] reports that administration officials are weighing a proposal that could result in parents and kids once again being split up by the US government – but this time, it would be the parents' choice. The proposal would give detained immigrant families two options: remain detained together while their case works its way through the system, or allow children to be released from custody after 20 days while their parents stay behind bars. The administration is weighing whether to start a pilot program to see how it would work and how parents would proceed with their decisions, a senior Department of Homeland Security official told CNN

Monday. Known as "binary choice," the proposal drew widespread attention – and sharp condemnation from advocacy groups – when it was reported by The Washington Post on Friday. But it isn't a new idea. It came up in court filings back in July. A 1997 federal court settlement bars ICE from keeping minors in custody for more than 20 days. The Trump administration has been trying to get around this on multiple fronts, including efforts to write a new federal regulation to nullify it.

More than 200 immigrant children remain in U.S. custody

[CNN](#) [10/15/2018 11:53 PM, Staff, 59K, CA] reports that more than 200 children from separated undocumented immigrant families remain in U.S. custody, officials said in a court filing Monday night. Most of the 245 children in custody have parents who were removed from the United States – 175 children, according to the latest government tally. Of those, only 18 children are currently in the pipeline to reunite with their parents in their countries of origin, according to court documents. Deported parents of 125 kids in custody have said they don't want their children to be returned to the countries of origin.

How zero tolerance forces undocumented victims into the shadows

[The Guardian](#) [10/16/2018 5:00 AM, Margaret Katcher, UK] reports Yolanda Varona was kidnapped at knifepoint by a jilted former boyfriend. He stripped her naked and drove her into the mountains near San Diego. He raped her; he said if she told anyone he'd kill her children. After hours of pleading, she convinced him to let her go. "I'll never be the same woman," she said of that day of terror, more than 10 years ago. But what happened next may have been even more difficult: despite being an undocumented immigrant, Varona called the police. She helped law enforcement find her attacker and put him in jail. And she went to court to testify. "I was terrified of presenting myself at court," Varona recalled. "I imagined that by some terrible injustice, I'd end up being deported." It was in order to encourage survivors like Varona to report a crime that Congress created a new class of visa in 2000. U-visas allow undocumented victims of violence who can show that they helped in the investigation or prosecution of a crime to remain in the U.S. legally and eventually obtain a green card. But a policy change issued in June as part of Donald Trump's "zero tolerance" regime, the subject of a major Guardian investigation this week, is undermining the U-visa's very purpose by deporting crime victims whose applications for the visa are denied. The result, advocates say, is that a program designed to hold violent criminals accountable by offering a modicum of security to undocumented victims has been warped into a system where victims must increase their risk of deportation in exchange for a slim chance of justice. According to a report by the ACLU, a sharp increase in arrests by Immigration and Customs Enforcement (ICE) was accompanied by a sharp decrease in immigrants' willingness to file police reports between 2016 and 2017. ICE has also officially ramped up its patrols of courthouses, where crime victims must testify in order to qualify for a U-visa. One Colorado attorney told the ACLU that following the release of a videotape of Ice waiting in a courthouse hallway to make an arrest in Denver, 13 women decided not to pursue domestic violence cases against their abusers for fear of deportation. More than half of the judges surveyed by the ACLU reported having cases that were interrupted because an immigrant crime survivor was afraid to come to court.

The untold story of the migrant "caravan": How Trump's border crackdown endangered immigrants' lives

[VOX](#) [10/15/2018 12:44 PM, Dara Lind, 3472K, DC] reports that the Trump administration's crackdown at the U.S.-Mexico border – which culminated in widespread separation of

families – started when President Donald Trump freaked out about a "caravan" of hundreds of Central American migrants crossing through Mexico to seek asylum. As the caravan of asylum seekers made its way toward the U.S., the president raged at foreign governments and his own officials to do more to stop people from coming to the U.S. without papers. By the time a few hundred caravan members finally arrived at the U.S.-Mexico border at the San Ysidro port of entry, the administration had committed to restricting asylum by closing "loopholes" and to prosecuting everyone who entered the U.S. illegally – the elements of a crackdown that's affected tens of thousands of asylum seekers in recent months, even after the administration stopped separating families en masse in late June. But what happened to the actual caravan members, once they got to San Ysidro? A report from Amnesty International released last Thursday tells part of the rest of the story.

Amnesty alleges that some caravan members forced to wait in Mexico were attacked by Mexican municipal police, and that a shelter harboring some of them was robbed in a homophobic hate crime. It claims that a senior Mexican official was told by the U.S. to clear the asylum seekers from the plaza where they were waiting to be allowed to enter the port – and, implicitly, to deport anyone whose Mexican travel documents had expired while they were waiting.

Reported similarly: [Voice of San Diego](#) [10/15/2018 7:30 AM, Maya Srikrishnan, 18K, CA]

To Get Approved for Asylum, Some Immigrants Head to the Psychologist

[WNYC](#) [10/15/2018 3:48 PM, Matt Katz, NY] reports immigrants seeking asylum after facing persecution abroad have to convince government officials to let them stay in the United States. But how does an asylum seeker prove that she experienced trauma, resulting in a well-founded fear of returning home, especially after physical wounds have healed? That's where mental health practitioners, working pro bono, come in. They interview asylum seekers and write up extensive psychological evaluations that are provided to the government. The stakes don't get any bigger: If the affidavit from the psychologist along with the rest of the application is approved by asylum officers, the persecuted avoid deportation and, possibly, death. Asylum applications with physical or psychological evaluations from professionals have an extraordinarily high rate of approval — 89 percent, according to one study, far higher than the normal rate. The group Physicians for Human Rights has more than 1,100 health professionals across the country who do medical and psychological evaluations of asylum seekers. In New York, the Mount Sinai Human Rights Program said it needs more volunteers to handle the demand -- particularly the psychological evaluations, which make up half the work load. The clinic expects to evaluate about 200 asylum seekers this year. The need coincides with a more difficult path to asylum, as the Trump Administration tightens criteria for who qualifies. An international refugee agreement from 1951, signed by the United States, says immigrants may claim asylum based on "a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." But now Attorney General Jeff Sessions says women beaten by their partners and others tormented by gangs are not necessarily victims of violence perpetuated by government actors, and therefore should not be eligible to stay in the country.

Trump increases deportations to Mauritania, where slavery still dominates culture

[USA Today](#) [10/16/2018 6:26 AM, Alan Gomez] reports during a meeting in the White House last week to launch a task force designed to stop human trafficking and modern-day

slavery, President Donald Trump vowed to do everything in the federal government's power to stop the ongoing scourge. "Our country will not rest until we have put these vile organizations out of business, and rescued every last victim," Trump told the officials gathered there. Yet this week, the Trump administration may deport four black men to Mauritania, a Muslim-majority nation in Africa that the CIA describes as a hotbed for human trafficking and modern-day slavery of its black minority residents. If the deportations are carried out, they would represent the latest in a growing number of black Mauritians forced to return to a nation that their attorneys say could lead to imprisonment, torture, slavery or death. From fiscal years 2014 to 2017, Immigration and Customs Enforcement averaged just seven deportations to Mauritania each year based on those concerns. But in 2018, the agency deported 79 people to Mauritania, and ICE says another 22 are in custody awaiting deportation.

More than three dozen Democratic lawmakers last week sent a letter Homeland Security Secretary Kirstjen Nielsen and Secretary of State Mike Pompeo asking they stop "the deportation of black Mauritanian nationals, who face the threat of race-based discrimination, violence, or slavery if forced to return to Mauritania." The lawmakers, including Sen. Kamala D. Harris, D-Calif., and Sen. Bernie Sanders, I-Vermont, want Nelson and Pompeo to "clarify U.S. policies and practices regarding deportations of Mauritians" to Congress within 60 days. Immigration and Customs Enforcement spokesman Brendan Raedy said there has been no policy change regarding Mauritania that led to the increased deportations. He said Mauritians, like all other immigrants, are allowed to stay in the U.S. if they have a valid visa or if they make a claim for some other kind of relief. "After considering the merits of each case, if an immigration judge finds an individual ineligible for any form of relief, the judge will issue a final order of removal, which ICE carries out in accordance with applicable U.S. law," Raedy said.

Another Huge Migrant Caravan Forms In Honduras With Aim Of Reaching US Border
[The Daily Caller](#) [10/15/2018 11:07 AM, Will Racke, DC] reports a group of more than 1,000 migrants formed in Honduras with the aim of trekking through Mexico to the U.S. border, defying warnings from Trump administration officials not to attempt the perilous journey. The so-called "March of the Migrant" started in northern Honduras and plans to pass through Guatemala into Mexico, according to organizers. Upon reaching Mexico, the migrants will request refugee status or transit visas that will allow them to keep moving north to U.S. ports of entry. Caravan members say they are fleeing endemic poverty and violence in Honduras, which has one of the highest murder rates in the world.

The [Washington Post](#) [10/16/2018 12:09 AM, AP, Sonia Perez D.] reports that the group estimated at 1,600 to 2,000 people fleeing poverty and violence in Honduras marched into Guatemala in sweltering heat Monday, twice pushing past outnumbered police sent to stop them — first at the border and then at a roadblock just outside Esquipulas. After those encounters, Mexico's immigration authority sent out a fresh warning late Monday that the migrants would have to satisfy Mexican officials individually and that only those meeting requirements would be allowed to enter. U.S. authorities were watching as well. Katie Waldman, a U.S. Department of Homeland Security spokeswoman, said in a statement that the caravan was "what we see day-in and day-out at the border as a result of well-advertised and well-known catch-and-release loopholes." "Until Congress acts, we will continue to have de-facto open borders that guarantees future 'caravans' and record numbers of family units entering the country illegally," she said.

[MA] The local face of Trump's campaign against migrant children

[Boston Globe](#) [10/15/2018 9:04 PM, Staff, 854K, MA] reports that for all the outrage generated by the separation of undocumented families at the border this summer, things aren't much better now. In fact, it was reported last Friday that the Trump administration wants to implement a "revamped" version of the policy – Family Separation 2.0, if you will. This crisis not only hasn't abated; it also has a very local human face. Take the case of Evelyn, a 34-year-old mother originally from a small city in El Salvador called Metapán. She lives in East Boston with her partner and three-year-old daughter; she did not want to use her last name because she is undocumented. Evelyn's first born, an 11-year-old son, has been in a government-contracted shelter for two months in Corpus Christi, Texas. Patricia Montes, executive director of Centro Presente, an East Boston-based immigrant advocacy organization, said she's seen at least 16 local cases of undocumented-minor cases in the last two months. "How is it that with all the money these shelters receive from the government they're incapable of releasing the children in a timely manner?" said Montes, who is helping advance Evelyn's case. In part, the delays are explained by the government's new requirements to release children in their custody. It's asking anyone applying to sponsor those minors – be it a parent or a member of the household the kid would be released to – to submit fingerprints and be background-checked. This information is being shared with Immigration and Customs Enforcement to potentially target and deport some of those folks who are undocumented.

[PA] Poll: Should sanctuary cities be punished?

[Lehigh Valley Live](#) [10/15/2018 12:23 PM, Jim Flagg, 67K, PA] reports that the Pennsylvania Legislature is looking to take action against "sanctuary cities" – municipalities that refuse to detain undocumented immigrants unless they are named in criminal warrants. Last week the state House Judiciary Committee approved its version of a Senate-passed bill, but the committee removed one of the primary weapons – blocking state grants to sanctuary cities. Instead, the bill would allow anyone who is "adversely affected" to sue a municipality that refuses to honor a detainer issued by the Immigration and Customs Enforcement. The ICE detainers are distinct from criminal warrants approved by a judge.

[TX] Officials Give Journalists A Tour Of The Child Migrant Tent City In Tornillo

[Texas Standard](#) [10/15/2018 1:45 PM, Sally Beavais, TX] reports that the last time reporters were allowed inside the tightly controlled youth detention facility in Tornillo, a couple hundred kids were there. This time, it's nearly five times that. Mark Weber is our tour guide. "Thank you all for being here, taking the time to take a look. When I see reporting that doesn't reflect the program I know – I know it's time to let you all back in," Weber says. Weber's a spokesman for the U.S. Department of Health and Human Services, the federal agency that oversees the shelter. I follow him and his Incident Commander through orderly rows of large sand-colored tents and trailers outfitted with surveillance and weather-monitoring equipment. On the lunch menu is pork tamales, Spanish rice, beans and street corn. Towards the back of the property, a big group of boys plays soccer on a turf field, supervised by staff in bright shirts and cargo pants. A smaller version of this tent shelter sprang up in June, just as news broke that immigration authorities were separating thousands of kids from their parents at the U.S.-Mexico border – and almost immediately, protests erupted.

According to HHS, the temporary shelter was built to help relieve some of the migrant shelters across the country that were already filling up, even before the period when

children were being separated from their parents. It originally opened with a 30-day contract. But now, HHS says it will be open until at least the end of the year. Mark Weber stresses the population growth is from an increase in unaccompanied minors. [Editorial note: consult source link for audio]

Reported similarly: [KGNS](#) [10/15/2018 9:28 AM, Associated Press, TX]

[AZ] ICE: Only 2 percent of immigrants released from custody get deported

[KTAR News 92.3 FM](#) [10/15/2018 11:31 AM, Martha Maurer, 30K, AZ] reports that KTAR News' Martha Maurer recently sat down with Henry Lucero, Phoenix field office director for U.S. Immigration and Customs Enforcement. The topic: understanding why hundreds of immigrants were released from ICE custody last week and dropped off at churches across Arizona. Only 2 percent of family units seeking asylum who are released from ICE custody are ever repatriated, according to Lucero. "That means 98 percent are going through proceedings or we are ultimately looking for them right now," Lucero said. That staggering statistic is a reason why the Arizona border with Mexico is seeing a large draw of family units from Central America, Lucero explained. Instead of attempting to cross into Arizona illegally, the smugglers are instructing the immigrants to find a border patrol agent and turn themselves in.

[AZ] Large drop-off of immigrants by ICE strains resources of Phoenix church

[KTAR](#) [10/15/2018 7:24 AM, Staff, 30K, AZ] reports that a Phoenix minister said his church has seen its resources stretched thin since it took in dozens of immigrants released from federal detention last week, but it's been well worth the effort. "To be honest, the financial is not as important as the spiritual and emotional cost that these people are experiencing," James Pennington, senior minister of First Church UCC, told KTAR News 92.3 FM on Friday. "This is very small for us." On Tuesday, U.S. Immigration and Customs Enforcement dropped off more than 100 immigrants seeking asylum, mostly from Guatemala, at the church near McDowell Road and Third Street. Pennington said the old church, which was formerly known as First Congregational United Church of Christ, has a congregation of about 300 and has been drawing on support from the community to take care of the families. Expenses have included food, translators, medication for children with pink eye and adults with colds, overburdened plumbing that needed repair and trash bins that overflowed, resulting in extra charges. The church has been working with the Phoenix Restoration Project for over a year to feed and find housing for immigrants seeking asylum or other legal status after being released by U.S. border authorities.

[CA] Neglect and Abuse of Detainees

[New York Times](#) [10/15/2018 2:18 PM, Luis Suarez, 25617K] reports that the report by the Department of Homeland Security's Office of Inspector General on the heinous abuses at the Adelanto detention center is alarming, but unfortunately not surprising. As the regional organization supporting people detained in this facility, we know of many instances of deliberate abuse of people who are incarcerated in facilities run by the private corporation GEO Group. We have heard dozens of stories from detainees who have endured serious health violations in Adelanto, including people with flesh-eating bacteria, chickenpox, H.I.V., digestive issues and chronic diseases that go untreated. Immigration and Customs Enforcement and the GEO Group have been willing to step in only when a person is on the brink of death.

Legal News

Supreme Court Poised To Overturn Ninth Circuit Ruling Granting Bond Hearings To Criminal Aliens

[Forbes](#) [10/14/2018 8:00 PM, Rich Samp, 11181K] reports that the October 10 Supreme Court oral argument in *Nielsen v. Preap* demonstrated that the justices continue to be sharply, ideologically divided over the federal government's authority to detain criminal aliens pending completion of removal proceedings. But contrary to some early post-argument commentary, the oral argument left little doubt about the likely outcome: Chief Justice Roberts, Justice Thomas, Justice Alito, Justice Gorsuch, and Justice Kavanaugh will vote to overturn the U.S. Court of Appeals for the Ninth Circuit's constricted interpretation of the government's detention authority. While the Court may impose some time limits on the authority to detain criminal aliens who were released from prison many years before the initiation of removal proceedings, those five justices expressed no support for the sweeping limitations imposed by the Ninth Circuit. At issue in *Nielsen* is the meaning of 8 U.S.C. § 1226(c), an immigration reform statute adopted by Congress in 1996.

New ability to post bond in illegal entry cases was undermining Trump administration's 'zero tolerance' policy. So prosecutors changed tactics

[San Diego Union-Tribune](#) [10/15/2018 5:00 AM, Kristina Davis, CA] reports that on a recent Friday, a rancher from Zacatecas, Mexico, sat in a San Diego courtroom on a misdemeanor illegal entry charge, one of thousands of border crossers criminally prosecuted under the Trump administration's "zero tolerance" policy this year. He pleaded not guilty, and a federal magistrate judge set his bail at \$1,000. The amount likely would've been too high for him to post himself, but he had another option. The Bail Project, a nonprofit fundraising organization, had recently set up shop in San Diego and put up the bond money for him. But rather than be released to the community, his unauthorized presence in the United States meant the federal government had placed a so-called "immigration detainer" on him. He was transferred to the Department of Homeland Security and quickly deported back to Mexico, before his criminal prosecution was finished. The U.S. Attorney's Office was forced to dismiss his case. The development has frustrated the Trump administration's zero tolerance policy, undermining U.S. Attorney General Jeff Sessions' vow to use the criminal justice system to deter illegal immigration and tighten the Southwest border.

Sessions warns against judicial activism, 'unprecedented reviews'

[USA Today](#) [10/15/2018 9:03 PM, Kevin Johnson] reports Attorney General Jeff Sessions on Monday warned against a campaign of "judicial encroachment," saying that the federal judiciary is "allowing unprecedented reviews of governmental operations." "Federal district court judges are not empowered to fashion immigration policy, combat climate change, solve the opioid crisis, or run police departments," Sessions said in a speech to the Heritage Foundation. "A federal judge is not a substitute for majoritarian resolution of difficult issues." Sessions referred to judicial intervention in President Donald Trump's controversial travel ban and the administration's attempts at dissolving the immigration program known as Deferred Action for Childhood Arrivals, which allowed young migrants brought to the U.S. as children to remain in the country. "It is emphatically not the duty of the courts to manage the government or to pass judgment on every policy action the executive branch takes," Sessions said.

10 Key Points From New USCIS 'Notice To Appear' Policy

[Law 360](#) [10/15/2018 2:56 PM, Lisa Pino] reports on Sept. 27, the U.S. Citizenship and Immigration Services' Public Engagement Division hosted a live stakeholder teleconference to inform the public about how the agency plans to implement a new policy memorandum, or PM, issued on June 28, 2018, named "Updated Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Deportable Aliens," which expands the agency's authority to issue NTAs. The agency began to implement the new policy on Oct. 1. The expansion of what constitutes an NTA action is important for its impact on the deportation, or removal, process for foreign nationals. The NTA is a charging document that notifies and requires its recipient to appear in court before an immigration judge. The notice serves as the first step in removal proceedings and initiates the prospective deportation of the foreign national upon the denial of an immigration benefit. After presenting a brief overview of the new NTA policy, which supersedes 2011 federal guidance on the same topic, USCIS presented a Q&A series from more than 100 questions received by stakeholders. The teleconference presenters represented a spectrum of USCIS divisions, including USCIS Public Engagement, Field Operations, Policy, and Office of Chief Counsel. USCIS also announced the NTA information will be posted in the agency's electronic reading room, and that related NTA news and public engagement events will be posted online in a timely fashion.

[NH] Keene event celebrates the release of a Manchester man being held by ICE

[Sentinel Source](#) [10/15/2018 2:56 PM, Meg McIntyre, NH] reports about 25 people gathered at Wheelock Park in Keene Sunday afternoon to celebrate the release of Eleazar Lopez Ayala, an undocumented Honduran immigrant living in Manchester who was detained by U.S. Immigration and Customs Enforcement under the threat of deportation for nine months. Lopez Ayala came to the United States as a minor in 1995 to flee poverty and crime in his home country. But his life quickly changed when he got a flat tire in Deerfield in August 2017. With no cellphone reception, he and his co-worker knocked on the door of a nearby house to use the telephone. When they left, the homeowner called police, and soon they were being asked for their identification. Though Lopez Ayala had no criminal history, ICE was called. After he spent nine months in a detention center in Massachusetts, Lopez Ayala was released about four months ago after a post-order custody review, according to attorney Jeffrey Rubin of Rubin Pomerleau P.C., the Boston law firm representing him. In June, the firm won a separate case before the U.S. Supreme Court — *Pereira v. Sessions* — that Rubin says could have implications for Lopez Ayala's case before the Board of Immigration Appeals and for other immigration cases across the country. That ruling found that a notice to appear for removal proceedings is valid only if it specifies a date and time for those proceedings.

[NY] 2nd Circ. Denies Indian Citizen's Political Asylum Claim

[Law360](#) [10/15/2018 7:52 PM, Bonnie Eslinger, NY] reports that the Second Circuit on Friday sided with the Board of Immigration Appeals' dismissal of an Indian citizen's asylum application, noting that while the man claimed he feared retaliation for his father's role in a Sikh opposition party critical of the government, he had participated in its political events. In their ruling, the federal appellate court panel denied a petition from Sarvan Singh, a native citizen of India, who challenged the BIA's backing of an immigration judge's decision to deny him asylum under the Convention Against Torture. Singh argued that the judge erred by assessing his credibility based on his border interview. The panel said because Singh made conflicting statements during that interview the BIA had reason to reject his petition.

The case is Sarvan Singh v. Jefferson B. Sessions III, case number 17-741, in the U.S. Court of Appeals for the Second Circuit.

[NY] Former Colombian intelligence officer arrested for fraudulent immigration to U.S.

[Homeland Preparedness News](#) [10/15/2018 1:45 PM, Chris Galford] reports that Javier Alfredo Valle Anaya, a former intelligence agent of a disbanded Colombian intelligence agency, was arrested Oct. 5 by U.S. Immigration and Customs Enforcement (ICE) for immigrating under false pretenses. The former agent was convicted and wanted in Colombia for the 2004 murders of a sociologist and his bodyguard. ICE's Human Rights Violators and War Crimes Center is tasked with identifying, locating and prosecuting human rights abusers in the United States and supported the Department of Homeland Security's New York Document and Benefit Task Force in the case. Homeland Security's Attaché in Colombia also assisted. There are currently more than 135 active investigations into suspected human rights violators by the agencies. This particular case will now be litigated by ICE's New York Office of the Principal Legal Advisor.

[OH] Federal appeals court won't halt judge's order barring deportation of Painesville man

[Cleveland Plain Dealer](#) [10/15/2018 5:56 AM, Eric Heisig, 484K, OH] reports that a panel from the 6th U.S. Circuit Court of Appeals refused to halt a federal judge's order that threatened sanctions against immigration officials if they deported a Painesville man who admitted to being in the country illegally. The panel ruled 2-1 on Monday that the U.S. Attorney's Office has not shown it would succeed on its arguments that Cesar Veloz-Alonso should remain in custody pending his sentencing. U.S. District Judge James Gwin in Cleveland granted bond Wednesday to Veloz-Alonso, a 39-year-old construction worker and married father of three who has been deported to Mexico four times in the past two decades. Federal prosecutors immediately appealed, arguing both in Gwin's courtroom and in front of the 6th Circuit, that releasing Veloz-Alonso would result in U.S. Immigration and Customs Enforcement picking him up and deporting him within a week. That means the defendant might not appear for his sentencing on an illegal re-entry charge, prosecutors argued. Appeals court Judges Ronald Lee Gilman and Helene White ruled in Veloz-Alonso's favor. Judge Eric Clay dissented, citing the government's arguments. Gwin's decision was a twist in what is otherwise a normal case prosecuted under the current Justice Department. Attorney General Jeff Sessions and the U.S. Department of Homeland Security have led efforts to more strictly enforce immigration laws.

[CA] Feds Seek To Duck Claims In Case Over Immigration Arrest

[Law360](#) [10/15/2018 9:30 PM, Kevin Penton] reports that the federal government on Monday urged a California federal court to nix several claims from a case in which an unauthorized immigrant alleges that immigration agents handled her and several members of her family with excessive force during her apprehension, arguing these claims are barred by state and federal law. The Central District of California should toss excessive force claims against several individual U.S. Customs and Border Protection agents under California's Bane Act because the state's civil rights law does not allow for such claims against private individuals under the circumstances alleged, according to a memorandum accompanying the motion to dismiss. "The plaintiffs' Bane Act claim ... is merely an attempt to circumvent sovereign immunity and hold the United States liable for direct violations of the Constitution," reads the memorandum. The case is Viniegra-Villalobos et al. v. U.S.

Customs and Border Protection et al., case number 2:18-cv-00663, in the U.S. District Court for the Central District of California.

Enforcement News

[NH] Somali man challenges detention in Strafford County jail

[Foster's Daily Democrat](#) [10/15/2018 7:34 PM, Brian Early, 18K, NH] reports that with the help of the American Civil Liberties Union of New Hampshire, a Somali national living in Maine is challenging his near seven-month immigration detention. Abdigani Faisal Hussein, who is being held at the Strafford County House of Corrections, filed a lawsuit last week in U.S. District Court of New Hampshire against the Strafford County HOC Superintendent Christopher Brackett and the Boston Field Office Director for the U.S. Immigration and Customs Enforcement Todd Lyons. Hussein argues his "mandatory detention violates the plain language" of immigration law and the due process afforded to him under the Fifth Amendment.

[MA] Amherst community stands behind illegal immigrant taking sanctuary

[Western Mass News](#) [10/15/2018 9:30 PM, Staff, MA] reports that on Sunday, October 14, a service was held as a recommitment to Lucio Perez's sanctuary as the people of the First Church and Amherst community continue to provide him and his family support one year later. Members of the church rang a bell, one time for every day Lucio Perez has spent there. Since 1999, Perez has been in the U.S as an undocumented immigrant from Guatemala with a wife and four children who were born in the United States. Immigration officials monitor Perez with an ankle brace and his family visits him at least 3 times a week.

[CT] Immigration officials allow Pakistani couple to return home to New Britain for now

[New Haven Register](#) [10/15/2018 10:35 PM, Staff, 36K, CT] reports that a Pakistani couple and their American child will be returning to their home and business in New Britain, now that immigration officials have said they will not oppose the family's request to remain in this country. Malik Naveed bin Rehman and Zahida Altaf have been in sanctuary at First Congregational Church of Old Lyme since March 19, the date originally set for their deportation. The church offered them sanctuary to give the appeals process a chance to work. They still are awaiting a ruling from the 2nd Circuit Court of Appeals. The couple expressed appreciation to ICE officials for allowing them to return to their lives in New Britain where they run the Broad Street restaurant Pizza Corner, as they wait for the court to rule.

Reported similarly:

[Hartford Courant](#) [10/15/2018 9:00 PM, Ruth Bruno, 126K, CT]

[The Day](#) [10/15/2018 8:58 PM, Joe Wojtas, 28K, CT]

[NY] Cabbie Captures Illegal Immigrant With Knife Who Robbed Woman At Cliffside Park Bus Stop

[Daily Voice](#) [10/15/2018 10:56 AM, Jerry DeMarco, NY] reports that a courageous cab driver chased down and captured an illegal immigrant who'd just robbed a woman at knifepoint at a Cliffside Park bus stop early Monday, authorities said. The 53-year-old victim at first thought that Elias Guarcas, 30, was trying to catch the bus as he ran toward her on

Palisade Avenue near the corner of Day Street just after 6:30 a.m., Lt. Vincent Capano said. "Then he stopped, pulled out a knife and told her to give him all her money," Capano said. "All she had was \$10 in her hand, so he grabbed that," the lieutenant said. "Then he demanded a black bag she had wrapped over her neck." A woman delivering newspapers saw what was happening and dialed 911. At almost the same time, the driver for Johnny's Taxi in Fairview came by and saw the robber lunge at the woman with the knife and try to snatch the bag. After repeatedly beeping his horn, the cabbie jumped out. The cabbie chased Guarcas into an alley, grabbed him and held onto him for police who's just pulled up, the lieutenant said. U.S. Immigration and Customs Enforcement was notified and was placing a detainer on Guarcas, a Guatemalan immigrant who'd been living in an apartment on Cliff Street – an area largely populated by natives of South and Central America. The detainer allows agents to immediately place Guarcas in federal custody if a local judge tries to release him.

[NY] Candlelight Vigil Set For Northern Westchester Custodian Detained By ICE, Facing Deportation

[Armonk Daily Voice](#) [10/15/2018 5:06 PM, Zak Failla, NY] reports that a vigil has been scheduled for 7:30 p.m. on Tuesday, Oct. 16 on the steps of Bet Torah in Mount Kisco on behalf of Armando Rojas, who worked as a custodian before being taken into custody by immigration authorities. This will be Rojas' last attempt for asylum after he was taken into custody by ICE in February and deported to Mexico, where he hasn't lived in three decades. Rojas has been attempting to obtain his freedom, though he remains in an upstate prison. Organizers said that "Armando and his family are gravely concerned for his well-being if he is permanently deported. As one of the few people from his small town with direct ties to the United States – his sons are United States citizens – Armando received threatening calls after being deported. In the past, at least one member of his family was killed and they received negligible assistance from local law enforcement. His need for asylum cannot be overstated."

[NY] The Batavian tours the Buffalo Detention Facility

[The Batavian](#) [10/15/2018 6:05 PM, Howard B. Owens, 13K, NY] reports that in the middle of the 650-foot main corridor of the Buffalo Federal Detention Facility in Batavia, along a 50-yard section of white concrete block wall, are hand-painted images of flags from all over the world, dozens and dozens of them, one to represent each country for every detainee who has ever been held at the facility. It's one of the first things a new detainee will see after going through the processing center and being led to the unit where the detainee will be held for the next several weeks, maybe months. Some visitors who see the wall, said Thomas Feeley, field office director for Immigration and Customs Enforcement, think the flags represent "everybody who has been captured" by ICE, sending a negative message to detainees. That's not at all how detainees take it, Feeley said. "It makes them feel like they're not alone," Feeley said. "They realize nobody hates them because they are here illegally. It's just a process for them to go through." On any given day, there are 636 detainees in the facility from as many as 80 different countries, said Jeff Searls, the facility's officer in charge. Searls, Feeley, and Public Information Officer Khaalid Walls provided The Batavian with a tour of the facility Monday morning.

[MD] Prince George's County Officer Arrested on Rape Charges After Traffic Stop of Undocumented Woman

[NBC Washington DC](#) [10/15/2018 6:43 PM, Tracee Wilkins and Andrea Swalec, 108K, DC] reports that a Prince George's County police officer is accused of sexually assaulting a woman living in the United States illegally after he made a traffic stop, police say. The police department is investigating the officer and has suspended him, as News4 was first to report. The woman told police the officer pulled her over Thursday in Langley Park and then sexually assaulted her. She is an undocumented immigrant, sources told News4. "That officer was in uniform, that officer was in a marked cruiser and that officer was on duty," police department spokeswoman Jennifer Donelan said at a news conference.

[CA] Who's in ICE custody at Otay Mesa Detention Center?

[San Diego Union-Tribune](#) [10/15/2018 12:00 PM, Kate Morrissey, 320K, CA] reports that at least one person has spent more than five years in Immigration and Customs Enforcement custody at Otay Mesa Detention Center according to data obtained through a records request by the Transactional Records Access Clearinghouse of Syracuse University. TRAC's report gives a snapshot of who was held in immigration detention on June 30, 2018. At that time, six people had been at the San Diego facility for more than three years. The man with the longest time inside had been in ICE custody since May 2013, according to TRAC. The man, a citizen of Mexico, has a conviction for burglary. When asked about the report, Lauren Mack, a spokeswoman for ICE said that an analysis done by the agency around the time of the report showed that 54 percent of detainees had either a criminal conviction or pending charge. "These figures reflect appropriate allocation of limited resources," Mack said, noting that many in ICE custody remain there because immigration law says that their detention is mandatory.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

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Wednesday, Oct. 17, 2018

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Policy and Legislative News

Caravan of more than 1,000 migrants moves north, triggering outrage from Trump

[Washington Post](#) [10/16/2018 5:16 PM, Joshua Partlow, 11614K] reports a caravan of Honduran migrants bound for the United States streamed across Guatemala's southern border on Monday night and quickly drew a rebuke from President Trump, who threatened to withdraw all aid to Honduras unless it somehow recalled its citizens. The migrant caravan included well over 1,000 people and is expected to continue to expand as it moves north across Guatemala and Mexico. On Tuesday morning, after the group had crossed into Guatemala, Trump wrote on Twitter he had informed the Honduran President Juan Orlando Hernandez that "if the large Caravan of people heading to the U.S. is not stopped and brought back to Honduras, no more money or aid will be given to Honduras, effective immediately!" The migrants – who say they are traveling in search of jobs, better lives for their families and an escape from gang threats and violent communities – were blocked at the Honduras-Guatemala border for several hours Monday by Guatemalan police in riot gear before eventually being allowed to pass. Department of Homeland Security spokeswoman Katie Waldman said in a statement Monday the current caravan "is what we see day-in and day-out at the border as a result of well-advertised and well-known catch-and-release loopholes." By "catch-and-release," the administration refers to the common practice by U.S. immigration authorities of briefly detaining migrants and asylum seekers before releasing them with ankle bracelets while their immigration cases are pending.

The [New York Times](#) [10/16/2018 2:59 PM, Kirk Semple, 25617K] reports that the migrants began their march on Friday in the northern Honduran city of San Pedro Sula. Moving on foot and in vehicles, they crossed into Guatemala on Monday, pushed past two police roadblocks and came to a rest for the night in the town of Esquipulas. Some estimates put the group's size as large as 2,000 people.

The [Wall Street Journal](#) [10/16/2018 4:17 PM, Rebecca Ballhaus, Juan Montes and Santiago Perez] reports that on Tuesday, Guatemalan authorities arrested the leader of the caravan, Bartolo Fuentes, a former leftist lawmaker and social activist from Honduras. A Guatemalan migration official said Mr. Fuentes will be deported back to Honduras. In Mexico, federal police, soldiers and immigration agents were deployed to the southern border ahead of the caravan's expected arrival.

[The Hill](#) [10/16/2018 9:44 AM, Jordan Fabian] reports that members of the caravan have said they are fleeing poverty and violence in their home country in search of a better life. The U.S. gave \$175 million in aid to Honduras in fiscal 2017, according to the United States Agency for International Development. Trump has long sought to crack down on illegal immigration, arguing that migrants bring crime and drugs into the country. He has highlighted the issue in the run-up to the November midterm elections in an effort to fire up his conservative base. The Washington Post recently reported the Trump administration is considering a policy that could again separate parents from their children as a way to stem the high numbers of families crossing illegally into the U.S. "We're going to do whatever we can do to get it slowed down," Trump told reporters on Saturday. "If they feel there will be separation, they don't come."

[Newsmax](#) [10/16/2018 10:19 AM, Theodore Bunker, FL] reports that the president also addressed a recent column in the Washington Examiner that praised his administration for "finally" moving to end the practice of releasing "thousands of unaccompanied alien children to criminal sponsors," according to former Immigration and Customs Enforcement Supervisor Jason Piccolo. Trump tweeted: 'Op-Ed praises Trump Administrations efforts at the Border.' @FoxNews The Washington Examiner States, 'Finally, the government has taken steps to stop releasing unaccompanied minors to criminals and traffickers.' This was done by the Obama Administration!"

Additional reporting:

[Reuters](#) [10/16/2018 3:19 AM, Doina Chiacu and Jorge Cabrera, 5544K]

[Los Angeles Times](#) [10/16/2018 3:15 PM, Kate Linthicum and Sandra Cuffe, 3709K]

[Huffington Post](#) [10/16/2018 3:23 PM, Saa Boboltz]

[Huffington Global](#) [10/16/2018 6:52 PM, Staff]

[BuzzFeed](#) [10/16/2018 11:45 AM, Adolfo Flores, 11771K]

[CNN](#) [10/16/2018 2:18 PM, Catherine E. Shoichet, 28810K]

[CNN](#) [10/16/2018 5:00 PM, Video, Staff]

[FOX News](#) [10/16/2018 10:19 AM, Adam Shaw]

[UPI](#) [10/16/2018 11:52 AM, Clyde Hughes, 303K]

[Western Journal](#) [10/16/2018 7:24 AM, Jack Davis]

[Washington Examiner](#) [10/16/2018 5:25 PM, Tom Rogan, 535K, DC]

[The Atlantic](#) [10/16/2018 4:21 PM, Priscilla Alvarez, DC]

[Spero News](#) [10/16/2018 4:42 PM, Andrew R. Arthur, 4K, TX]

[AZ Central](#) [10/16/2018 8:47 PM, Daniel González, 665K, AZ]

Mexico deploys officers to its southern border to block migrants headed for the U.S.

[Washington Examiner](#) [10/16/2018 8:06 PM, Anna Giaritelli, 535K, DC] reports that the Mexican government has reinforced security at its southern border with Guatemala before a 2,000-person caravan of Hondurans is expected to try to enter the country and head for the United States, according to a local report. Hundreds of Mexican Federal Police, including

General Commissioner Manelich Castilla, and officers from the National Institute of Migration, the country's immigration agency, arrived in Tapachula, Chiapas, on Tuesday. Chiapas is one of two Mexican states that border Guatemala. Federal officials believe the Honduran group will try to enter Mexico from the state's 200-mile international border, according to La Prensa. DHS spokeswoman Katie Waldman said the latest incident of a caravan originating in Central America is due to the "de facto open borders" of America due to "loopholes" in immigration laws that allow families and kids from noncontiguous countries to be released after being taken into federal custody.

[Breitbart](#) [10/16/2018 5:54 PM, Ildefonso Ortiz and Brandon Darby] reports Mexico's immigration authorities vowed to stop members of a migrant caravan consisting of roughly 1,300 individuals from Honduras trying to make their way north, eventually to the U.S. border. Those wanting to enter Mexico will have to follow immigration law or they will be turned back, officials say. In a prepared statement, the National Immigration Institute (INM) claimed that members of the migrant caravan wanting to enter Mexico would have to request a visa through their consulate and follow immigration law. Those who refuse would be turned back. Over the weekend, more than 1,300 migrants began an organized caravan in San Pedro Sula, Honduras, publicly claiming that their goal was the U.S. Border, Breitbart Texas reported. The caravan was apparently organized through social media and started on Saturday. By Monday, the group already entered Guatemala as they made their way toward the border with Mexico. The statements made by group members point to a lack of jobs and violence in Honduras as their reason to head north. Most recently, President Donald Trump tweeted the federal government informed Honduras that if the caravan was not stopped reversed, the U.S. would stop all foreign aid to the nation.

If Democrats Take Control Of Congress Expect A Caravan Of Illegal Immigrants To March On The Border Every Week, Says Former ICE Director Tom Homan

[The Daily Caller](#) [10/16/2018 9:42 AM, Nick Givas, DC] reports that former Immigration and Customs Enforcement Acting Director Tom Homan said to expect weekly caravans of illegal immigrants slamming the southern border if Democrats take control of Congress this November. "It should be the biggest issue we're talking about. And I hope the voters are paying attention to what's happening," Homan said on "The Ingraham Angle" Monday night. "If the Democrats take control of the House, this caravan issue is going to happen every week. It's just going to keep coming," he said. Homan said if there are no laws to disincentive criminals from crossing America's borders, they'll feel emboldened and it will become impossible to stop them. "If there's no consequence, no deterrence to illegal activity, why would it stop?" he asked. "President Trump has the right ideas. We need the Republicans in Congress to back him up. We need some changes. We know how to fix this. We just got to have to have the willpower to fix it. And the Democrats don't have the willpower or desire." Fox News host Laura Ingraham asked if voting Democratic would guarantee more anarchy at the border and Homan said he's certain the chaos would continue. "I've been doing this for 34 years. I can guarantee that, yes," he concluded. [Editorial note: consult source link for video]

More than 200 migrant children still in U.S. custody

[The Hill](#) [10/16/2018 8:03 AM, Brett Samuels] reports that more than 200 migrant children who were separated from their parents after crossing the border are still in government custody, according to documents filed in court Monday night. The latest government filings show that 245 children are still in the care of the federal government. The parents of 175 of

those kids have already been removed from the U.S. Of those children, 18 are in the process of being reunited with their parents in their country of origin, and 125 of them have parents who have been deported but indicated they don't want their children brought back to their home country. The documents indicate that the parents of 27 kids are in the U.S., but have decided not to be reunified with their child. Three other children can't be reunited because of safety concerns about the parent.

Reported similarly:

[CBS News](#) [10/16/2018 9:11 AM, Holly Rosenkrantz]

[ThinkProgress](#) [10/16/2018 11:18 AM, Rebekah Entralgo, 799K]

[New York Magazine](#) [10/16/2018 10:42 AM, Amanda Arnold, 1913K, NY]

New round of family separations at border will be another disaster

[The Hill](#) [10/16/2018 2:30 PM, Raul A. Reyes] reports that asked to comment on a possible new family separations policy, President Donald Trump said on Saturday, "We're looking at everything that you could look at when it comes to illegal immigration." He confirmed that his administration is considering plans that would resume family separations at the southern border. The Washington Post reported on Friday that, in an effort to reduce illegal crossings, the government is weighing offering asylum-seeking migrants what it calls the "binary choice" option. After about three weeks in immigration detention together, parents could choose to keep their children with them as their case proceeds, which could take months or years – or opt to give up their kids to relatives or a guardian.

Under the terms of the Flores settlement, a court agreement that limits the amount of time that kids can stay in detention to 20 days, this proposal would be legal. That doesn't mean it is a good idea. Actually, either of these "options" would be cruel for the families involved. It would be forcing a potentially life-altering decision on Central American parents who have already been traumatized by gangs, violence, and persecution in their home countries. It is likely that some parents would agree to give up their children out of desperation, without fully understanding the consequences of their actions, or that they would be coerced into doing so. The administration is weighing the so-called "binary choice" option because illegal border crossings are up. According to Department of Homeland Security data, August saw a 38 percent increase in migrant family members arrested and charged with illegal entries.

CNN's John Avlon Accuses Trump Of 'Tripling Down' On 'Punitive' Policy Of Family Separation To Limit Border Crossings

[The Daily Caller](#) [10/16/2018 12:09 PM, Nick Givas, 984K, DC] reports CNN senior political analyst John Avlon accused President Donald Trump of "tripling down" on the administration's "punitive" policy of family separations on "New Day" Tuesday, saying they're out of touch with the electorate. "New Day" ran a clip from Trump's "60 Minutes" interview with Lesley Stahl when she tried to force the president to answer yes or no, about whether they'd continue with family separations along the southern border. Trump said the answer couldn't be limited to a yes or no, saying, "There are consequences from coming into a country, namely our country, illegally." "He is tripling down on what has been the administration's somewhat understated reason for this, which is it's supposed to be punitive," Avlon said. "It is supposed to de-incentivize." "Jeff Sessions said it early on this is a positive good. The separation is a feature, not a bug in terms of deterring people to cross," he continued. Avlon used illegal immigrant children who are still being held in detention as a talking point, and said if the Trump administration still favors family

separation, they'll find themselves at odds with most of America. [Editorial note: consult source link for video]

To Free Detained Children, Immigrant Families Are Forced to Risk Everything

[The New Yorker](#) [10/16/2018 2:29 PM, Jonathan Blitzer, 2547K, NY] reports that one morning in early August, Jorge, a 37-year-old construction worker from Guatemala, received a phone call from an unknown number with a Texas area code. "I don't like answering calls from people who aren't listed in my phone," he told me. "I always have in my head that this isn't my country." This time, however, he decided to answer. On the other end of the line, the speaker identified himself, in Spanish, as a U.S. government official. "Are you bringing or receiving anyone coming to the United States?" the official asked. Jorge said no, but then a thought occurred to him: earlier in the summer, his sister in Guatemala had mentioned that her 17-year-old son, Pedro, might travel north to live with his grandparents in the United States. "Could it be Pedro?" Jorge asked the official. "That's him," the official replied. Pedro is now being held in an emergency shelter in Tornillo, Texas, a tent city where the government has transferred hundreds of minors in recent weeks, often under the cover of night, in an effort to address an escalating crisis. Nationwide, there are currently 13,200 children in O.R.R. custody, more than ever before and five times more than were being held in the spring of last year. In April, the O.R.R. signed an agreement with Immigration and Customs Enforcement to share information about the legal status of children's sponsors. Those who come forward to claim family members can now be arrested and deported if they are here illegally. Last month, Matthew Albence, a senior official at ICE, told Congress that his agency had arrested 41 sponsors between July and September, seventy per cent of whom had no criminal record.

President Trump on Border Rules: 'We're Getting Them Changed, One by One'

[Breitbart](#) [10/17/2018 5:45 AM, Neil Munro] reports that the administration is changing the rules for migrants at the border, despite Democrat opposition, President Donald Trump told the Associated Press. "We have the worst laws in the history of the world on immigration, and we're getting them changed one by one," Trump said in the Oct. 16 Oval Office interview, which covered border issues and many other matters. "We've made a lot of progress in the last couple of weeks even, but we're getting them changed one by one." The changed rules that Trump cited in the Associated Press interview are likely the stream of policies and regulations emerging from Attorney Gen. Jeff Sessions' office, and from Secretary Kirstjen Nielsen's Department of Homeland Security.

Report: U.S. & Mexico Should Jointly Address Immigration Issues

[Houston Public Media](#) [10/16/2018 5:43 PM, Elizabeth Trovall, 23K, TX] reports that a new report from Rice's Mexico Center shows how a strained U.S.-Mexico relationship could impact Central American migration, including the well-being of unaccompanied minors. Mexico Center researcher Pamela Cruz said though in the past the two countries have worked together to curb Central American migration, they may now be poised to clash on these issues. "The Trump administration has said that Mexico does nothing for us at the border and that is a false statement," said Cruz. In 2014, Mexico implemented a policy aimed partially at deterring Central American migration to the United States called the Southern Border Program. "Mexico has deported more than half a million Central Americans, and that has sometimes has even surpassed U.S. deportation figures in some years," said Cruz.

[RI] Mayor Elorza splits from RI congressional delegation on abolishing ICE

[WPRI](#) [10/16/2018 4:09 PM, Dan McGowan, RI] reports that Providence Mayor Jorge Elorza doubled down on his support for abolishing the federal agency that oversees immigration enforcement Tuesday, a position that separates him from all four members of Rhode Island's congressional delegation. In an interview on Dan Yorke State of Mind, the first-term Democrat said his support for dismantling U.S. Immigration and Customs Enforcement (ICE) stems from the Trump administration's controversial family separation policy, which has since been halted through an executive order from the president. "We can't have a federal agency that's role is separating children, lying about it and keeping those kids away from their parents," Elorza, the son of Guatemalan immigrants, said. "It's not who we are. We are so much better than that. And that's what did it for me." Elorza, who is seeking re-election this year, first said he would support an attempt by Congress to abolish ICE during a candidate forum last week. The idea has picked up momentum from progressives since New York Democrat Alexandria Ocasio-Cortez used it as a centerpiece of her successful campaign against longtime Congressman Joe Crowley earlier this year.

[IL] Chicago officials challenge ICE use of Gary's airport for deportations

[Chicago Tribune](#) [10/16/2018 11:15 AM, Gregory Tejeda, 1740K, IL] reports Gary municipal and airport officials were defensive Monday of accusations by a Chicago alderman and other Chicago and Illinois government officials that Chicago's reputation was being tainted because the Gary/Chicago International Airport is used to deport people from the United States. Edward Burke, D-14th, said he thinks using Chicago tax dollars to support the Gary airport is inconsistent with Chicago being a sanctuary city where local law enforcement and other officials do not assist federal immigration authorities in carrying out deportations. That had Gary officials concerned that Chicago was trying to place the blame for federal immigration policies on Gary.

[AZ] Kyl challenges DHS over releases of migrant families

[Tucson Sentinel](#) [10/16/2018 2:20 PM, Vandana Ravikumar, 3K, AZ] reports that Abeth Spencer said that most of the 100 immigrants that the Shadow Rock United Church of Christ took in last weekend at the request of Immigration and Customs Enforcement officials had already moved on by Wednesday. "The guests have travel plans with bus tickets to meet up with friends and family," Spencer said. "Once they get there, they have to check back in with the local immigration office. "All we're really doing is providing hospitality, food, showers, a bed, until their departure time," she said. "Because the alternative is, ICE takes them to the Greyhound bus station and they have to wait there until their bus departure, which can be 24, 48 hours later." Spencer said the Phoenix church is ready to take more if asked by ICE, which released hundreds of migrant families to non-governmental organizations to help it ease a backlog of cases. Sen. Jon Kyl, R-Arizona, wants to know how many more. Kyl pressed Homeland Security Secretary Kirstjen Nielsen for answers at a Senate hearing Wednesday, saying the releases have "overburdened" nonprofits and stressed residents and elected officials in border towns who fear immigrants will be "flooding into the community." Typically, before it releases a family from custody, ICE conducts a review of the family's "post-release plan." That includes confirming bus routes to their final destinations, coordinating with nonprofits to provide temporary shelter and other resources, and communicating with family members, according to a statement from ICE spokesperson Yasmeen Pitts O'Keefe.

[AZ] Yuma struggles to handle the mass release of migrant families

[AZ Central](#) [10/16/2018 8:05 AM, Rafael Carranza, 665K, AZ] reports that Yuma has seen a surge in migrant families this year, becoming the second-busiest crossing on the U.S.-Mexico border. And the mass release of some of these families from federal custody last week has strained the community's ability to assist them. U.S. Immigration and Customs Enforcement – the agency that takes custody of migrants after they've been processed at the border – released a large number of migrant families in Arizona last week after running out of space to hold them. Since then, the flow of migrants has more or less returned to normal, migrant advocates say. In Yuma alone, ICE released some 200 family members, said Teresa Cavendish, operations director for Catholic Community Services of Southern Arizona. But unlike Tucson or Phoenix, Yuma, with a population just over 200,000, has far fewer services to assist these families once ICE enrolls them in its Alternative to Detention program. Migrants in the program are outfitted with an ankle monitor, released to the custody of relatives living in the United States, and given a notice to appear in immigration court at a later date. Catholic Community Services works with the Yuma Refugee Ministry, which normally receives less than a dozen migrants a day. But the number of families ICE released last week overwhelmed the organization, forcing them to set up overflow accommodations.

Statistics from U.S. Customs and Border Protection – the agency in charge of securing the U.S.-Mexico border – show the drastic change in the arrivals of migrant families in the Yuma area. So far this fiscal year, U.S. Border Patrol agents have apprehended 12,367 family members in the Yuma sector, which extends from the Yuma County line to the Imperial Sand Dunes in California. That nearly equals the total number of migrant apprehensions from the previous fiscal year even though it doesn't yet include the number of families arriving in September. Considering the number of unaccompanied minors has also nearly doubled here this year, the total number of Border Patrol apprehensions in the Yuma Sector is on track to reach the highest levels in a decade. Homeland Security Secretary Kirstjen Nielsen referred to this dramatic rise as a "crisis" when she visited the Yuma area in April, just as the National Guard began their deployment to Arizona's borderlands.

[AZ] Sudden release of migrant families may spark new family separation program
[Tucson Sentinel](#) [10/16/2018 10:30 AM, Paul Ingram, 3K, AZ] reports the Trump administration appears to be building the case for a new family separation policy just days after immigration officials in Arizona suddenly released hundreds of immigrant families, forgoing coordination and travel plans, and forcing advocates to scramble for help. Beginning last Saturday, officials delivered around 113 families, mostly from Guatemala, to a Tucson church, said Teresa Cavandish, the director of operations for Catholic Community Services in Tucson. Cavandish said that many of the people she talked with had been in Border Patrol custody for 8 to 10 days, and volunteers were working as quickly as possible to set up travel arrangements, an effort complicated by the arrival of Hurricane Michael this week, which shut down bus lines east of Houston last week. Immigration officials said that the sudden release was because "the government remains severely constrained its ability to detain and promptly remove families that have no legal basis to remain in the United States." Those released are part of a "incredibly high volume" of families who have presented themselves to Border Patrol agents along Arizona's border, and that Immigration and Customs Enforcement "no longer has the capacity to conduct these reviews," without violating a long-standing court agreement, known as the Flores Settlement, that governs how long children can be held in immigration custody, said Yasmeen Pitts O'Keefe, a spokeswoman for ICE. "As a result," she said, "family units continue to cross the border at

high volumes and are likely to continue to do so, as they face no consequence for their actions," she said.

The Washington Post reported that the White House is "actively considering plans" to again separate parents and children at the U.S.-Mexico border, hoping to use family separation as a deterrent to stem the number of families attempting to cross the border, and ask for asylum in the United States. One option under consideration, called "binary choice" is for officials to detain asylum-seeking families together for 20 days, and then give parents a choice: either stay in family detention while their case winds through the immigration courts, or allow officials to take their children to shelters run by Health and Human Services, while parents stay in ICE custody, the Washington Post reported. Speaking to reporters at the White House, President Donald Trump defended the idea Saturday by saying that "if they feel there will be separation, they don't come," the Wall Street Journal reported. During a Senate hearing Wednesday on Homeland Security Threats, Kirstjen Nielsen said that Homeland Security will "continue to ask Congress to pass legislation to clarify that families can be detained until they are removed. If they have an asylum claim, they can be detained until we can adjudicate that asylum claim." Nielsen has previously said that she would be seeking to end "legal loopholes," which included the Flores Agreement, the result of a settlement from a 1997 class-action lawsuit that created guidelines on how long immigrant families, including children, can be held by U.S. authorities.

[AZ] ICE: None of the immigrants recently released in Arizona are MS-13

[KTAR](#) [10/16/2018 4:55 AM, Martha Maurer, 30K, AZ] reports that despite the release of hundreds of immigrant families from Immigrations and Customs Enforcement custody in recent weeks, Phoenix field office director Henry Lucero assured KTAR News 92.3 FM that, to his knowledge, not a single gang member has been released into the community. "We have very good training to recognize gang members," Lucero said. He added ICE has a good relationship with governments in other countries to be able to cross check immigrants who may be wanted.

During his State of the Union address in January, President Donald Trump called on Congress to close what he called the deadly loopholes that have allowed MS-13 and other criminals to break into the U.S. On Monday, Attorney General Jeff Sessions created a new task force aimed at zeroing in on the three of the world's most notorious drug cartels and the brutal MS-13 street gang, already considered a top priority for federal law enforcement. Lucero would not go into the tactics his agents use to spot gang members in immigrants who show up at the border seeking asylum, or who cross the border illegally. "We're not aware that we've released even one MS-13 member or any gang member for that matter," Lucero added. Before any immigrant is released from ICE custody and into the community, Lucero said they are thoroughly checked to make sure they don't have a criminal past. This vetting process is the same for any family or single adults who arrive at the U.S.- Mexico border, he added. [Editorial note: consult source link for video]

[OR] Voters will decide whether to keep Oregon's 'sanctuary state,' anti-racial profiling law

[Statesman Journal](#) [10/16/2018 11:28 AM, Whitney Woodworth, 27K, OR] reports that on Nov. 6, Oregon voters will decide the fate of Oregon's 31-year-old "sanctuary state," anti-racial profiling law. A "yes" vote on Measure 105 is a vote to repeal the law. A "no" vote keeps it in place. Proponents claim the sanctuary law emboldens undocumented

immigrants to commit crimes and ties the hands of law enforcement. Opponents say the law prevents racial profiling, saying if the law is repealed, immigrant communities and people of color will feel unsafe and too frightened to report crimes to police out of fear of deportation.

Legal News

Legal battle over family separations flares up in court

[USA Today](#) [10/16/2018 6:58 PM, Alan Gomez, 8110K] reports that the legal battle between immigration advocates and the Trump administration over a policy that separated thousands of families apprehended along the U.S.-Mexico border last summer flared up in a San Diego courtroom on Tuesday as the two sides struggle to wrap up the complicated saga. It's been nearly four months since U.S. District Judge Dana Sabraw ordered the administration to reunify roughly 2,600 families that were separated under President Donald Trump's "zero-tolerance" policy. The administration has reunited more than 2,300 of those children with their parents or other approved sponsors, drawing the praise of Sabraw. The two sides remain at odds over the 245 minors who still remain in government custody.

Sessions Grabs Another BIA Case On Bond Hearings

[Law360](#) [10/16/2018 12:35 PM, Suzanne Monyak] reports that U.S. Attorney General Jeff Sessions will examine whether immigration judges may hold bond hearings for certain immigrants in removal proceedings, referring another Board of Immigration Appeals case over to himself for review on the issue. Sessions referred himself the case, known as Matter of M-S-, to decide whether immigrants who have been screened from expedited removal proceedings into removal proceedings are entitled to bond hearings, in light of the U.S. Supreme Court's recent ruling in *Jennings v. Rodriguez* that immigrants subject to mandatory detention during removal proceedings are not. In that decision, the justices ruled 5-3 to find that certain immigrants in mandatory detention, including those who have recently arrived in the U.S. and those with a criminal record, do not need to be provided with bond hearings under several provisions of the immigration statute, even if their detention has lasted six months. The case is Matter of M-S-, case number 27 I&N Dec. 476, before the Board of Immigration Appeals.

These websites allegedly charged hundreds for free immigration forms

[North Jersey Record](#) [10/16/2018 6:09 PM, Steph Solis, NJ] reports that for more than five years, immigrants seeking help submitting citizenship and green card applications paid between \$120 and \$300 to a company that implied it was affiliated with the federal government, according to a Federal Trade Commission complaint. The websites included [usimmigration.us](#), [us-immigration.com](#), [uscitizenship.info](#) and [usimmigrationcitizenship.com](#). The Federal Trade Commission announced Tuesday that it had fined Forms Direct Inc. and its owner, Cesare Alessandrini, \$2.2 million for allegedly deceptive advertising practices that gave customers the impression that they were paying for government services. Instead, the agency said, consumers paid hundreds of dollars to access software that hosted immigration forms online — forms that are available for free on the U.S. Citizenship and Immigration Services website. The FTC also issued a warning to the public: Look closely at the services you pay for online. Seek legal advice only from a lawyer. Notary publics are qualified only to witness people signing legal documents, and for only a few dollars at most. But some advertise form preparation services or legal advice for immigration cases, a

practice known as "notario fraud." "In the U.S., notaries are not lawyers and are not allowed to give you legal advice," the FTC says on its website.

[OH] Federal magistrate judge in Akron grants bond to Honduran man in immigration case

[Cleveland Plain Dealer](#) [10/16/2018 8:01 PM, Eric Heisig, 484K, OH] reports that a federal magistrate judge in Akron granted a bond to a Canton man in an immigration criminal case, the second time a judge in northeastern Ohio has done so in the past week. Magistrate Judge Kathleen Burke wrote in an order Tuesday that the U.S. Attorney's Office didn't show that there were no bond conditions that could ensure Edgar Osorio-Ramirez would show up for court hearings and the safety of the community. She ordered Osorio-Ramirez to post a \$30,000 bond, which will be secured by a lien on his house, which he owns with his girlfriend. His federal public defender Carlos Warner argued in an Oct. 9 motion that the Bail Reform Act, which dictates how judges grant bonds and who is eligible for them, supersedes the Immigration & Nationality Act, which gives U.S. Immigration and Customs Enforcement the power to detain people awaiting or contesting deportation. U.S. District Judge James Gwin on Oct. 10 ordered the release of Cesar Veloz-Alonso, a Painesville man who pleaded guilty to re-entering the U.S. from Mexico, while he awaits sentencing. Gwin and Burke's decisions stick out as federal prosecutors bring more low-level cases in Ohio and across the country as part of President Donald Trump and Attorney General Jeff Sessions' push to more strictly enforce the U.S.'s immigration laws.

[MI] Man accused in immigration fake out has lengthy criminal history

[ABC 7 WXYZ](#) [10/16/2018 11:48 PM, Heather Catallo, MI] reports that in the wake of a 7 Action News investigation, the Wayne County Prosecutor has charged a local man with a felony which could put him behind bars for 15 years. When a Livonia father hired Joseph Tyler Liebman to do immigration work for him, he had no idea that Liebman was a convicted felon. The 7 Investigators have dug even further into Liebman's past and learned that whether it's posing as a law enforcement officer or sex offenses, he's no stranger to police. As the 7 Investigators first reported last month, John Kotronis says he has receipts that show he gave Liebman and his alleged company, Michigan Immigration Services, more than \$60,000 in order to bring his fiancé and her two children to the U.S. from the Philippines.

[MN] Nobles County at Center of Immigration Debate

[KSTP](#) [10/16/2018 6:51 AM, Staff, 67K, MN] reports that rural Minnesota county is currently at the center of the national immigration debate. The American Civil Liberties Union is suing Nobles County and its sheriff, Kent Wilkening, accusing him of exceeding authority by holding people suspected of violating immigration law. According to the American Civil Liberties Union of Minnesota, Maria de Pineda, who lives with her three boys in Worthington, spent 17 days behind bars in the Nobles County Jail when she shouldn't have. Jail records show she was being held for customs and immigration enforcement. However, the ACLU is arguing in a lawsuit the Nobles County sheriff is overstepping his authority holding people this way, violating de Pineda's rights and the rights of others like her.

Additional reporting:

[ABC 5 KSTP](#) [10/16/2018 10:31 PM, Matt Belander and Ana Lastra, 67K, MN]

[CA] Fake Lawyers Targeting Immigrants

[Voice of San Diego](#) [10/16/2018 7:30 AM, Staff, 18K, CA] reports one well-documented problem for people with cases in immigration court is that the system, unlike criminal court, doesn't require that people be represented by a lawyer. People who have a lawyer often have better outcomes than those who don't. But there's another problem: Some people purporting to be immigration attorneys are not attorneys at all. They prey on vulnerable people in desperate situations – taking their money without doing anything to help them avoid deportation. California is cracking down hard on fraudulent immigration attorneys. "The bar only referred 10 unauthorized practice complaints in 2015, but it sent along 443 and 315 to law enforcement in 2016 and 2017, respectively. In the first nine months of 2018, the bar has already surpassed last year's total, making 356 law enforcement referrals," Moran writes.

[CA] California Is Cracking Down on Legal Scams Targeting Immigrants

[Voice of San Diego](#) [10/16/2018 5:33 PM, Lyle Moran, CA] reports Robin Schwab told a local Hungarian immigrant named Magdolna Gulyas that she was a lawyer who could help get Gulyas' husband released from ICE custody amid his active deportation order. Gulyas, who also had been ordered removed from the United States, paid Schwab slightly more than \$3,000 last year for legal help in tandem with another attorney in San Diego County. But Schwab, who was not a licensed lawyer or working with one, did nothing to help free Gulyas' husband Krisztian Harasztosi from detention, said San Diego Deputy District Gina Darvas. Harasztosi was ultimately deported, and Gulyas returned to Hungary as well, Darvas said. Meanwhile, Schwab pleaded guilty earlier this year to grand theft of personal property in San Diego County Superior Court. She was sentenced in August to eight months in jail on that count, as well another three years of jail for crimes unrelated to the immigration scam. The Schwab case is emblematic of the type of fraud perpetrated against immigrants by non-attorneys – and sometimes real attorneys – that the State Bar of California has been working more aggressively to investigate and prevent. Its efforts have come at a time in which the federal government, under the Trump administration, has ratcheted up its immigration enforcement activities and rhetoric.

The bar has established a 14-person unit focused on investigating the unauthorized practice of law. Though the bar cannot itself prosecute non-attorneys who practice illegally, it can refer complaints to law enforcement for possible criminal prosecution. The agency has done so much more frequently in recent years. State Bar Executive Director Leah T. Wilson said recently her agency is "dedicated to protecting Californians, regardless of their immigration status." "All Californians should have access to qualified and ethical attorneys. But we know that the unauthorized practice of law, including notario fraud, is rampant and all too often unfairly targets immigrant communities," Wilson said in a statement to Voice of San Diego, referring to a word used in many Latin American nations to denote a lawyer. "As such, the State Bar has ramped up its [unauthorized practice of law] investigations and enforcement by forming a dedicated unit, expanding relationships with law enforcement, and increasing outreach to immigrant communities." Earlier this year, bar staff spoke with detainees at the Adelanto ICE Processing Center about their experiences with attorneys and non-attorneys who helped them with immigration matters. Detainees at the facility roughly 85 miles northeast of Los Angeles, which was recently the subject of a scathing federal audit, were provided with attorney and non-attorney complaint forms in six languages, according to the bar.

Enforcement News

Trump Administration is Deporting People to Country Where Almost 20 Percent of Population is Enslaved

[Newsweek](#) [10/16/2018 12:51 PM, Jakub Lewandowski, 2126K] reports four men are facing deportations this week to Mauritania, a northwest African country where the practice of slavery continues. The possible deportations come just a week after President Donald Trump held a meeting to "discuss the administration's efforts to tackle human trafficking." "We're working to aggressively target traffickers and to protect the victims of this inhumane abuse," Trump said during the meeting last week. "We're challenging foreign regimes that facilitate this horrible evil of sex trafficking and forced labor," he continued, adding that the "brave heroes" at ICE made over 1,600 human trafficking arrests. Despite Trump's claims of working to end human trafficking, deportations to Mauritania, which is known for continuing the practice of slavery, have increased during his time in office. That number increased to more than 83 in 2018, according to the immigration reform group America's Voice.

[MA] Winchester faith groups hold a prayer vigil at Boston ICE detention center

[Wicked Local Upton](#) [10/15/2018 6:35 PM, Mariya Manzhos, 10K, MA] reports that Winchester faith communities came together to show support to immigrants who have been detained inside the Immigration and Customs Enforcement detention center in South Boston on Oct. 14, 2018. Led by the Parish of the Epiphany, clergy and members from the Winchester Unitarian Society, Temple Shir Tikvah and First Congregational Church joined the Interfaith Prayer Vigil in support of immigrant justice and families staying together.

[CT] New Britain Couple to Go Home After 7 Months in Church

[NBC Connecticut](#) [10/16/2018 8:30 AM, Staff, 71K, CT] reports that a family from Pakistan that has lived at an Old Lyme church for seven months to avoid deportation says they were leaving to resume their lives as they await a court ruling on their residency status. Malik Rehman and Zahida Altaf, who own a New Britain pizza shop, have been fighting to stay in the United States for their 5-year-old daughter who is an American citizen. They took sanctuary at First Congregational Church of Old Lyme and church officials said Immigration and Customs Enforcement officials have indicated they are not opposing the couple's stay request. "We sought sanctuary not to protest or defy ICE. We only wanted more time for our case to be heard. We are very appreciative of the kindness we have been given by the church, the community and now ICE. It reaffirms our faith in the United States, and our determination to make this our home," Rehman and Altaf said in a statement. Officials from Immigration and Customs Enforcement said Malik Rehman and Zahida Altaf entered the U.S. from Pakistan on non-immigrant visas in 2000 but didn't leave the country in accordance with the terms of their visas. "ICE Enforcement and Removal Operations (ERO) will continue to monitor the legal appeals that Malik Naveed bin Rehman and Zahida Altaf, both citizens of Pakistan with final orders of removal issued by an immigration judge, have pending," ICE said in a statement. "Since their cases are currently still pending in federal court, ICE ERO will await the outcome of a decision on those appeals before proceeding on their cases."

[The Day](#) [10/16/2018 11:00 PM, Erica Moser, 28K, CT] reports that their current attorney, Glenn Formica, explained to reporters on Tuesday that they felt safe to go home because of a chain of events set into motion three weeks ago. That's when the federal government announced it would not oppose the couple's request for a stay. The Board of Immigration

Appeals had denied the request but it's under appeal with the U.S. Second Circuit Court of Appeals.

Reported similarly:

[New Britain Herald](#) [10/16/2018 9:24 PM, Skyler Frazer, 2K, CT]

[Hartford Courant](#) [10/16/2018 5:20 AM, Don Stacom, 126K, CT]

[Washington Times](#) [10/16/2018 9:52 AM, Associated Press, DC]

[NY] Mount Kisco synagogue unites to fight long-time custodian's deportation

[Rockland/Westchester Journal News](#) [10/16/2018 2:19 PM, Gary Stern, NY] reports for two decades, Armando Rojas was the custodian for Bet Torah synagogue in Mount Kisco. But he was more than that. He took care of whatever needed to be done, looked out for the congregants' kids, and became a friendly, unassuming and essential part of the Bet Torah family. And then he was gone. In February, Rojas was deported to Tijuana, Mexico, leaving behind his wife and two American-born sons. Bet Torah went into action, lining up legal counsel and staying on top of Rojas' complex, winding immigration case, one of so many that now unfold in the shadows, day after day, week after week. Since June, Rojas has been detained in the asylum seekers wing of Albany County Prison. He soon faces a key hearing before an immigration judge that could result in final deportation. So Bet Torah is holding a vigil and rally on Tuesday (Oct. 16) at 7:30 p.m., at 60 Smith Ave., to bring attention to the case.

Additional reporting:

[CBS New York](#) [10/16/2018 6:56 PM, Staff, 350K, NY]

[PIX11](#) [10/16/2018 10:52 PM, Allison Kaden, 87K, NY]

[NJ] Man charged with abusing child over 3-year period

[Warren Reporter](#) [10/16/2018 11:34 AM, Thomas Moriarty, 965K, NJ] reports a 32-year-old Palisades Park man has been jailed on sexual assault charges after investigators discovered he had abused a child for over a three-year period, county prosecutors said Tuesday. Borough police and prosecutor's detectives arrested Jose Tenecela after learning Friday of the alleged assault, the Bergen County Prosecutor's Office said in a statement. Authorities said Tenecela remained in the Bergen County jail Tuesday pending a detention hearing scheduled for Wednesday morning. Jail records show Immigration and Customs Enforcement on Monday placed a detainer on Tenecela, asking authorities to hold him temporarily for potential federal detention if a judge decides he should be released from jail.

Reported similarly: [Daily Voice](#) [10/16/2018 10:34 AM, Jerry DeMarco, NY]

[NJ] Woman saved from knife attack — ICE wants NJ jail to hold suspect

[New Jersey 101.5](#) [10/16/2018 3:37 PM, Adam Hochron, NJ] reports that a woman was saved from serious injury on Monday morning during an unprovoked attack by man with a knife, police said. Elias Guarcas, 30, a Guatemala national who is in this country illegally, was arrested after several people witnessed the attack and a cab driver chased him down, according to police. Guarcas was charged with first-degree robbery, fourth-degree possession of a weapon, third-degree possession of a weapon for an unlawful purpose, as well as a disorderly persons charge of theft. U.S. Immigration and Customs Enforcement has requested that the Bergen County jail hold Guarcas on an immigration detainer, police said.

Reported similarly: [Warren Reporter](#) [10/16/2018 10:09 AM, Anthony G. Attrino, 965K, NJ]

[GA] Man charged with child sex crimes on ICE hold

[Times-Courier](#) [10/16/2018 2:27 PM, Staff, GA] reports that an Ellijay man who is alleged to have committed child sex crimes against a 14-year-old girl during the summer was arrested earlier this month and is on hold for Immigration and Customs Enforcement, according to an incident report and jail records. Juan Paiz Raymundo, 21, of 91 Jeff Drive, was charged Oct. 5 by the Ellijay Police Department with statutory rape and child molestation. Raymundo is under a \$15,000 bond at the county jail, but is also on hold for ICE, said a spokeswoman. Capt. Frank Copeland of the Gilmer County Sheriff's Office was asked how an ICE hold works when a suspect has been arrested and detained at the jail. "ICE issues a disclaimer stating that if they don't pick the person up by a certain date, they can be released," he said. "Raymundo does not have that disclaimer on his hold. So unless ICE sends a notification canceling the hold, he will be with us for a while."

[WI] ICE enforcement surge sheds light on vulnerability of undocumented students

[Badger Herald](#) [10/16/2018 4:58 PM, Azul Kothari, WI] reports growing up, undocumented Edgewood College student Lupe Salmeron remembers how her family would cover up the living room window of their apartment with a blanket to stop deportation officers from Immigration and Customs Enforcement from looking inside their apartment during enforcement surges. Their actions were based on a rumor that agents would go around looking into residences and arresting any undocumented individuals they could find. During the month of September, Wisconsin saw another enforcement surge. From Sept. 22 through Sept. 24, deportation officers from ICE arrested 83 individuals in a four-day immigration enforcement surge across Wisconsin, including 20 individuals from Dane County, according to an ICE press release. More than half of those arrested had criminal histories, which included convictions for sexual assault, child abuse, domestic violence, driving under the influence, larceny, receiving stolen property, identity theft, obstructing police and weapon offenses. But 16 of those arrested had no criminal history and 21 of those arrested had illegally re-entered the U.S. following a prior deportation. Ricardo Wong, Chicago field office director for ICE Enforcement and Removal Operations, defended the enforcement surge in the press release. "This operation targeted criminal aliens, public safety threats and individuals who have violated our nation's immigration laws," Wong said. "Operations like this reflect the vital work our officers do every day to protect our communities, uphold public safety and protect the integrity of our immigration laws." Nicole Alberico, a public affairs officer for ICE's Chicago field office, said ICE avoids conducting operations on college campuses because it considers them to be "sensitive locations."

[CO] ICE arrests man outside Pitkin County courtroom

[Aspen Daily News](#) [10/16/2018 5:00 AM, Chad Abraham, 5K, CO] reports that immigration agents on Monday arrested a Carbondale man as he was about to walk into a courtroom in the Pitkin County Courthouse. Enrique Garcia Hernandez's strange experience with the local judicial system ended abruptly with his arrest by Immigration and Customs Enforcement officers. Hernandez, 48, had two pending felony theft cases, but prosecutor Don Nottingham dismissed one of them after Hernandez's arrest outside the county clerk's office. Public defender Molly Owens told Judge Chris Seldin of Pitkin County District Court that her client's arrest by ICE left her "incredibly frustrated." She urged the judge to not issue an arrest warrant for Hernandez's failure to appear in court. "We know why he's not in

the courtroom," she said. Hernandez will likely end up in a detention facility, and Owens said she hoped that he would be eligible for bond. The judge issued a \$10,000 warrant but stayed its enforcement until Dec. 3, after Owens said a potential bond from federal detention would take time.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

[EOIR Morning Briefing Archive](#)

Thursday, Oct. 18, 2018

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Executive Office for Immigration Review

U.S. courts abruptly tossed 9,000 deportation cases. Here's why

[Reuters](#) [10/17/2018 7:06 AM, Reade Levinson and Kristina Cooke, 5544K] reports that Liliana Barrios was working in a California bakery in July and facing possible deportation when she got a call from her immigration attorney with some good news. The notice to appear in court that Barrios had received in her deportation case hadn't specified a time or date for her first hearing, noting that they would be determined later. Her lawyer was calling to say that the U.S. Supreme Court had just issued a ruling that might open the door for her case, along with thousands of others, to be dismissed. The Supreme Court case involved Wesley Fonseca Pereira, a Brazilian immigrant who overstayed his visa and was put into deportation proceedings in 2006. The initial paperwork he was sent did not state a date and time of appearance, however, and Pereira said he did not receive a subsequent notice telling him where and when to appear. When he failed to show up in court, he was ordered deported. The Supreme Court ruled that paperwork failing to designate a time and place didn't constitute a legal notice to appear in court.

The ruling sparked a frenzy of immigration court filings. Over ten weeks this summer, a record 9,000 deportation cases, including Barrios', were terminated as immigration attorneys raced to court with challenges to the paperwork their clients had received, a Reuters analysis of data from the Executive Office for Immigration Review shows. The number represents a 160 percent increase from the same time period a year earlier and the highest number of terminations per month ever. Then, just as suddenly as they began, the wave of case terminations stopped. On August 31, in a different case, the Board of Immigration Appeals ruled that charging documents issued without a date and time were valid so long as the immigrant received a subsequent hearing notice filling in the details, as is the usual procedure. A Department of Justice official said that as a result of the BIA decision, the issues "have been solved."

Jeff Sessions Is Quietly Transforming the Nation's Immigration Courts

[Atlantic Monthly](#) [10/17/2018 11:05 AM, Priscilla Alvarez, 4134K, MA] reports Dorothea Lay was on track to become a member of the Board of Immigration Appeals, part of the Justice Department's Executive Office for Immigration Review. Her 25-year government career had prepared her for the post, as reflected in four letters of recommendation from academics and current and former officials. In December 2016, nine months after submitting her application, she was offered the job. But administrations changed, Jeff Sessions assumed the role of attorney general, and by early 2018 the offer was withdrawn. Why? That's the question at the center of a complaint filed by Lay, an Idaho native, with the Office of Special Counsel, an independent federal investigative body. In a letter to Lay, 53, the EOIR said it was rescinding her offer because "the needs of the agency have evolved," even though the agency announced around the same time that it wanted to expand the size of the appeals board. The complaint, which was first reported by CNN, suggests that political considerations may have been taken into account in a review of Lay's background, citing Lay's letters of recommendation from people who "had liberal backgrounds or were perceived as having liberal backgrounds." The suspicion of politically based hiring has lingered among Democrats, who raised concerns in April and again in May. In the May letter, directed to Michael E. Horowitz, Democrats urged the inspector general of the Justice Department to investigate "allegations of politicized hiring practices," citing cases in which offers for immigration judges and Board of Immigration Appeals positions had been delayed or withdrawn. This isn't unique to the current administration. The Justice Department has considerable leeway when appointing immigration judges — the immigration courts are part of its direct purview. The attorney general therefore has unique authority to overrule decisions and hire immigration judges.

To that end, Sessions appears to be shaping the court by, at the very least, hiring former law-enforcement officials as immigration judges. "The more you bring people from the same background, the same set of experiences, the same perspective, the more you expose the court to criticism," said Ashley Tabaddor, the president of the National Association of Immigration Judges. "Those decisions will be more open to being questioned." Of the 128 judges hired since Donald Trump's inauguration, more than half have past prosecutorial experience or some other government experience. The pace of hiring has also stepped up: In fiscal year 2017, the Justice Department hired 64 immigration judges, compared with 81 in fiscal year 2018 — bringing the total of immigration judges to 395, according to data released by the EOIR. Sessions's hiring spree is not unusual. It's also not unwarranted: His predecessors brought on new immigration judges, and the immigration-court backlog continues to creep up, with the latest figure at more than 760,000 pending cases. Of the newly hired immigration judges, at least half had received conditional offers during the Obama administration, said Kathryn Mattingly, assistant press secretary at the EOIR, in an email. Mattingly, the EOIR spokeswoman, has provided a series of specific qualifications that all candidates for immigration judge must have.

[VA] Virginia parents say Mexican murder suspect had married their daughter for citizenship

[FOX News](#) [10/17/2018 8:40 AM, Paulina Dedaj, 11653K] reports that a Virginia couple says a Mexican national, who is accused of murdering one person and injuring two others aboard a fishing vessel last month, had married their daughter last year in a covert attempt to secure citizenship in the U.S. after his Deferred Action for Childhood Arrivals status had expired. Shelby and Lindsay McDannold told Fox News that their 20-year-old daughter met Franklin Freddy Meave Vazquez in May 2017 through mutual friends, and the couple got married sometime the following month. However, Vazquez never managed to secure U.S. citizenship. Shelby McDannold said he was concerned about his daughter's brief relationship with the man, and he questioned Vazquez's immigration status at the time. It was not clear to them when their daughter learned about Vazquez's immigration status, although they said it was after she already married him. The parents said the relationship between their daughter and Vazquez was tumultuous. They called him a "monster" and said he'd made threats against her and her family more than once. They also said his violent tendencies were fueled by an opioid and heroin addiction. Vazquez allegedly killed one crew member in a hammer-and-knife attack aboard the Captain Billy Haver, a fishing vessel that was sailing some 55 miles off Nantucket, on Sept. 23.

Shelby McDannold said his daughter had separated from Vazquez after the man's arrest this past March, in an altercation which started when she came home late from work but escalated, he said, after his daughter refused to give Vazquez her Social Security number to start the paperwork needed for his citizenship. Vazquez was charged with abduction by force — and was released on \$20,000 bond in April, despite objections by Immigration and Customs Enforcement. "ICE encountered Meave-Vazquez at the Newport News City Jail in Virginia through its Criminal Alien Program in March 2018 after he was arrested by the Newport News Police Department on forcible abduction charges, which are still pending," a statement from the agency read. "He entered ICE custody upon release from the local jail. Despite ICE's objections, an immigration judge granted Meave-Vazquez bond." The Justice Department's Executive Office for Immigration Review confirmed to Fox News that Judge Roxanne C. Hladylowycz presided over the bond proceeding. The office did not elaborate on Hladylowycz's ruling, saying judges' "decisions speak for themselves." Vazquez

previously was arrested on Nov. 13, 2015, just weeks before his DACA status was set to expire, on multiple drug felony charges.

Reported similarly:

[Epoch Times](#) [10/17/2018 1:03 PM, Zachary Stieber, 512K, NY]

[610 WTVN](#) [10/17/2018 1:41 PM, Bill Galluccio, 1K, OH]

Policy and Legislative News

Record number of families crossing U.S. border as Trump threatens new crackdown

[Washington Post](#) [10/17/2018 1:23 PM, Nick Miroff and Josh Dawsey] reports that the number of migrant parents entering the United States with children has surged to record levels in the three months since President Trump ended family separations at the border, dealing the administration a deepening crisis three weeks before the midterm elections. Border Patrol agents arrested 16,658 family members in September, the highest one-month total on record and an 80 percent increase from July, according to unpublished Department of Homeland Security statistics obtained by The Washington Post. Large groups of 100 or more Central American parents and children have been crossing the Rio Grande and the deserts of Arizona to turn themselves in, and after citing a fear of return, the families are typically assigned a court date and released from custody. "We're getting hammered daily," said one Border Patrol agent in South Texas who spoke on the condition of anonymity because he was not authorized to speak to the news media.

Having campaigned on a promise to stop illegal immigration and build a border wall, Trump now faces a spiraling enforcement challenge with no ready solutions. The soaring arrest numbers — and a new caravan of Central American migrants heading north — have left him in a furious state, White House aides say. Trump has been receiving regular updates on the border numbers, telling senior policy adviser Stephen Miller and Chief of Staff John F. Kelly that something has to change, according to senior administration officials. Trump continues to criticize Homeland Security Secretary Kirstjen Nielsen and has asked Secretary of State Mike Pompeo to work with Mexico to make it tougher for Central American immigrants to cross its southern border, inserting the issue into ongoing trade negotiations. A senior DHS official said Wednesday that Nielsen continues to take the lead role engaging with leaders from Central America on migration issues and has been in regular contact with the Mexican government and the transition team of President-elect Andrés Manuel López Obrador, who will take office Dec. 1.

Reported similarly:

[The Hill](#) [10/17/2018 3:37 PM, Chris Mills Rodrigo]

[TIME](#) [10/17/2018 2:48 PM, Maya Rhodan]

[Breitbart](#) [10/17/2018 1:25 PM, Bob Price, 2213K]

[The Daily Caller](#) [10/17/2018 3:03 PM, Will Racke, 984K, DC]

September was highest month on record for Border Patrol arrests of family members

[CNN](#) [10/17/2018 6:16 PM, Eli Watkins and Geneva Sands] reports Border Patrol agents arrested 16,658 family members in September, marking the highest such total for any month, The Washington Post reported Wednesday. The Post report cited unpublished numbers from the Department of Homeland Security, which is tasked with enforcement of immigration laws and border security. The report said the September total was an 80%

increase since July and that the number of migrant parents entering the US with children had reached record levels over the past three months. The report noted, however, that while the overall total number of arrests along the U.S.-Mexico border – at 396,579 people – was higher relative to last year, the total was nowhere near highs seen in the early 2000s. The spike in family crossings has followed Trump's move in June to reverse his administration's policy that led to family separations. The widely criticized separations themselves followed an uptick in statistics for border crossings, and the new report on the surge in families entering the U.S. comes just weeks before the midterm elections, which Trump has tried to make in part a referendum on immigration. A spokesperson from DHS said that the department does not comment on "unofficial numbers," and a spokesperson for CBP said they are still working on their end-of year numbers. Katie Waldman, a spokeswoman for DHS, blamed Congress in a statement for refusing "to close catch-and-release loopholes in the law that would allow authorities to detain and remove family units safely and expeditiously." "While we do not have official numbers to report at this time, current trends indicate enforcement efforts against single adults entering illegally have been hugely successful," Waldman said. "However, the removal of actual family units, or those posing as family units, has been made virtually impossible by congressional inaction – which will most likely result in record numbers of families arriving illegally in the United States this year."

Trump considers family separation '2.0'; more immigrants might already be separated

[Orange County Register](#) [10/17/2018 8:34 PM, Roxana Kopetman, CA] reports that as the Trump administration considers a new way to impose a family separation program at the border, immigrant-rights advocates said Wednesday more children were taken from parents or guardians earlier this year than previously reported. President Trump and other members of his administration have often alleged that immigrants abuse the asylum system, sometimes bringing in children who are not their own. Amnesty International called the administration's policy "a deliberate campaign of human rights violations against asylum-seekers." 17 states, including California, sue Trump administration over families separated at the border. Thousands rally in Laguna Beach, Irvine to demand immigrant families be reunited. Many lash out at Trump, ICE as Southern California protests join those across the county to urge swift reunification of immigrant families. Trump-backing counter protesters make their voices heard among the Families Belong Together marchers.

Some Immigrant Parents Fear Losing Their Children Forever

[The Atlantic](#) [10/18/2018 6:00 AM, Jeremy Raff] reports last week, the Associated Press reported that in a small number of cases since 1980, state child welfare officials have allowed immigrant children of deported parents to be adopted in the United States without their parents' consent. The report details the case of a Salvadoran asylum seeker named Araceli Ramos who was separated from her 2-year-old daughter, Alexa, during the Obama administration and would not get her back from various foster families in the U.S. for two years. Officials determined Ramos was a threat to her daughter's safety based on what the Ramos said was a false police report accusing her of encouraging a 17-year-old girl to have sex with an adult, which her children's father filed during a bitter custody battle. Ramos cleared her name in El Salvador, but the damage was already done. U.S. officials considered Ramos a criminal and a threat to her daughter. They deported her to El Salvador and placed Alexa in a series of foster homes; eventually she landed with a Bethany family in Michigan.

Alexa's foster family fell in love with her and believed that she had been abused in her mother's care, so they decided to seek adoption. Their effort got far enough that a Michigan judge granted them temporary custody. Ramos became desperate and took to Facebook. In an impassioned video, she cried, "Look inside your hearts. I had her in my belly for nine months. I'm the mother, and I'm waiting for her." The video went viral in Latin America. Federal officials eventually intervened, and Alexa is now back in El Salvador with her mother. This summer, more than 300 parents were deported to Central America without their kids, and there are 66 children still in government custody that officials have designated "not eligible for reunification." The possibility of involuntary adoption is more a fear among some immigrants parents than an actuality for now—no cases emerging from the Trump administration's zero tolerance policy have been documented. A spokeswoman for the Department of Homeland Security called talk of involuntary adoption "premature." Some immigrant parents have chosen to leave their children in the United States, she said, to live with a sponsor—not to be adopted.

Immigration Agenda Focused on Investors, Asylum, Guestworkers

[Bloomberg](#) [10/17/2018 3:37 PM, Laura D. Francis] reports that the Department of Homeland Security is adding even more new immigration regulations to its already lengthy list, with a new focus on immigrant investors, asylum seekers, and agricultural and seasonal guestworkers. The fall 2018 regulatory agenda is ambitious — U.S. Citizenship and Immigration Services, the DHS component handling most employment-based visa matters — hasn't released many regulations under the Trump administration so far. But that may be changing. The agency released its "public charge" proposal last week, which would keep immigrants from getting green cards if they're likely to need public assistance in the future. Getting that proposed regulation published in the Federal Register was a top priority for the USCIS, which is now freed up to work on the remainder of its proposals.

Trump: I can't fix the immigration problem, so Republicans should demagogue it instead

[Washington Post](#) [10/17/2018 4:44 PM, Greg Sargent, 11614K] reports that Trump is angry that, by his own telling, the border is out of control, and he's urging Republicans to place this front and center in the midterm elections. But new reporting in The Post sheds light on what, specifically, he's upset about. Regardless, even if it were true that the current surge is the result of ending the family separations as a deterrent, it appears that even some Trump administration members are reluctant to reinstate them. The administration does not want to release asylum-seeking families into the interior while they wait for the process to unfold, but criminally prosecuting adults requires children to be separated. So officials are reportedly considering reviving the separations in a new form called "binary choice," which would give asylum-seeking families a choice either to stay in immigration detention (as opposed to federal jail) with their child for as long as it takes their immigration case to develop, or to let the government move the child to a shelter or to relatives. Trump doesn't appreciate all these complexities. More broadly, it bears repeating that the bigger package of "tough" measures Trump favors to "solve" the larger immigration problem — a border wall, deep cuts to legal immigration — got the fewest of any votes in the Senate, meaning his solutions don't have enough Republican support to pass Congress. Trump doesn't know what to do about that, either, except threaten government shutdowns that aren't going to happen. But one thing Trump does know is that Republicans should demagogue the issue.

Honduran migrant caravan Trump called to be stopped grows to 4,000

[The Hill](#) [10/17/2018 4:10 PM, John Bowden] reports that a caravan of migrants escaping Honduras has grown to as many as 4,000 parents and children, prompting Mexican authorities to send additional police to the country's border with Guatemala, according to U.S. government documents reported by NBC News. NBC reports that the caravan, which includes a significant number of migrant children with and without their parents' accompaniment, split into two groups as it attempts to pass through Mexico on its way to the United States.

Ahead of Pompeo trip, Trump threatens Central America with aid cuts over caravan

[ABC News](#) [10/17/2018 7:54 PM, Conor Finnegan, 3178K] reports that President Donald Trump is warning Central American countries to stop a caravan of migrants heading toward the U.S. southern border or face an end of U.S. foreign assistance, touting his blustering stance on immigration as a winning campaign strategy for the Republican Party in the 2018 midterm Congressional elections.

[The Hill](#) [10/17/2018 3:37 PM, Tess Bonn] reports that Rep. Adriano Espaillat (D-N.Y.) criticized President Trump's threats on Wednesday to cut off aid to Honduras over a migrant "caravan." Espaillat said that taking such an action "is not going to work" because it signifies a much larger, global issue. President Trump warned if Honduras's government didn't stop a caravan of migrants headed to the U.S., the Trump administration would withhold funding to the country, "effective immediately." "That's not going to work," Espaillat told Hill.TV co-hosts Krystal Ball and Buck Sexton. "Guatemalans migrate to Mexico, Mexicans migrate to the United States, Africans migrate to Spain and Italy, Libyans migrate to Italy, Middle Easterners migrate to Germany and Britain, so this is a global issue of the have and have nots," he continued. The congressman argued that the Trump administration "can't stop the human rights situation and natural disasters." "They will flee that nation and try to secure their lives or do better for their families," he said.

[Breitbart](#) [10/17/2018 7:18 PM, Staff, 2213K] reports that thousands of Honduran migrants marched north Wednesday in a bold attempt to reach the United States, defying threats from U.S. President Donald Trump to stop aid to countries that let their "caravan" pass. Trump – who took aim at Honduras, Guatemala and El Salvador on Tuesday – kept up his attacks on the caravan on Wednesday, saying it should be an important issue for Republican candidates in the upcoming midterm elections.

Additional reporting:

[Reuters](#) [10/17/2018 2:04 PM, Dave Graham and Delphine Schrank, 5544K]

Mexico says no special treatment for caravan

[Washington Post](#) [10/17/2018 2:14 PM, Associated Press] reports that Mexico's government says people in a caravan of Honduran migrants headed for the U.S. will be treated the same as anyone else entering the country: That means those with proper documents can enter and those who don't either have to apply for refugee status or face deportation. In a joint statement Wednesday, Mexico's Foreign Relations and Interior Departments said that anyone in the caravan with travel documents and a proper visa will be allowed to enter, and anyone who wants to apply for refugee status can do so. But the statement said all cases must be processed individually, suggesting that authorities have no intention of letting the migrants simply cross the border en masse without going through

standard immigration procedures. It warned that anyone who enters Mexico in an "irregular manner" faces detention and deportation.

[NBC News](#) [10/17/2018 3:20 PM, Julia Ainsley and Abigail Williams] reports that the caravan of migrants fleeing Honduras has grown to 4,000 and the Mexican government has sent an additional 500 federal police to its border with Guatemala in anticipation of their arrival, according to U.S. government documents obtained by NBC News. Part of the caravan, which has split into two groups, is now approaching the Mexico-Guatemala border amidst a surge in border crossings on the U.S.-Mexico border. Many of the Hondurans traveling in the caravan are children, some traveling with their parents and some without their parents, according to the documents. Because children are afforded special protections in the U.S., their arrival is creating anxiety within the Trump administration that has pledged to decrease illegal immigration. President Donald Trump said last week that he would consider separating migrant families at the border once again, after reversing his controversial "zero tolerance" policy in June.

[VOX](#) [10/17/2018 9:50 AM, Dara Lind, 3472K, DC] reports that the Trump administration is threatening to cut off aid to the government of Honduras – and possibly Guatemala and El Salvador as well – if the caravan of more than 1,000 Honduran migrants, which has already crossed into Guatemala, isn't stopped before it reaches the United States. The threat initially came from President Trump's Twitter account Tuesday morning, which makes it hard to know how serious it is; the president tweets a lot of threats that don't go anywhere, and actually made an identical threat to the government of Honduras over a previous migrant caravan this spring. But Vice President Mike Pence tweeted something similar later Tuesday morning after a conversation with the president of Honduras. "Spoke to President Hernandez of Honduras about the migrant caravan heading to the U.S. Delivered strong message from @POTUS: no more aid if caravan is not stopped. Told him U.S. will not tolerate this blatant disregard for our border & sovereignty." By Tuesday night, Trump had expanded the threat to the other two countries in the "Northern Triangle" of Central America. Mexico is likely to step in to defuse the situation, as it has in the past. The Mexican government has already announced that caravan members who don't have proper visas won't be allowed to enter Mexico from Guatemala.

But the Trump administration doesn't appear sanguine about this possibility. As he was in April, the president is again fixated on the idea of a large group of people seeking to migrate to the U.S. And just as the April caravan helped spur a border crackdown that is still ongoing, the president's current fixation is likely to drive U.S. policy at the U.S.-Mexico border and beyond. Attorney General Jeff Sessions, who's led the charge to narrow asylum grounds so that it's harder for Central American gang victims to qualify for legal status in the U.S., has made it clear that he doesn't believe gang violence is a type of persecution covered by U.S. asylum law. The administration characterizes the latest caravan as yet more evidence that further enforcement is needed. "The current reporting on the migrant 'caravan' from Honduras is what we see day-in and day-out at the border as a result of well-advertised and well-known catch-and-release loopholes," DHS spokesperson Katie Waldman said Monday.

[The Daily Caller](#) [10/17/2018 10:41 AM, Will Racke, 984K, DC] reports that the governments of Honduras and Guatemala are taking steps to slow the progress of the migrant caravan after President Donald Trump threatened to cut aid to them if the group is not stopped. Honduras' foreign ministry issued a statement Tuesday calling on its citizens

not to join the procession, saying that caravan organizers were misleading migrants with false promises of free passage through Mexico and asylum in the U.S. The government "urges the Hondurans taking part in this irregular mobilization not to be used by a movement that is clearly political," the statement said, according to Reuters. As the caravan crossed from Honduras into Guatemala on Tuesday, Guatemalan police detained caravan organizer Bartolo Fuentes on suspicion of immigration violations. Fuentes, a former Honduran lawmaker, was arrested because he "did not comply with Guatemalan immigration rules" and will be deported back to Honduras, the Honduran security ministry said. The moves came after Trump announced he would halt aid to Central American governments if they did not act to stop the outflow of migrants.

Additional reporting:

[Townhall](#) [10/17/2018 10:20 AM, Katie Pavlich, 360K]

[ThinkProgress](#) [10/17/2018 11:40 AM, Rebekah Entralgo, 799K, DC]

Mexico warns migrant caravan to avoid deportation after Trump threat

[The Hill](#) [10/17/2018 4:31 PM, Rafael Bernal, 3846K] reports that the Mexican government on Wednesday warned Central American migrants moving north in a caravan to avoid detention and deportation back to their home countries, a move that follows warning he could cut off aid if the caravan is not stopped. In a joint statement, the secretaries of foreign affairs and the interior stopped short of shutting the country's southern border to the Hondurans, while making clear Mexico will enforce its immigration laws. Trump administration officials blame "catch and release" immigration policies – Trump's description of legal limits on family detention – for the surge in family-based border crossings. "On the news in Guatemala they are saying that you can get a work permit if you're in a family, if you're coming with your child, and that you're going to be released," said Henry Lucero, Phoenix field office director for U.S. Immigration and Customs Enforcement, in an interview with Arizona radio station KTAR Monday.

[USA Today](#) [10/17/2018 6:42 PM, David Agren, 8110K] reports that the government of Mexico dispatched two 727 Boeing planes filled with federal police officers to its southern border with Guatemala on Wednesday to intercept a caravan of Central American migrants who are trying to reach the U.S. border. The Interior and Foreign Relations ministries said in a joint statement that any migrant in the caravan without proper immigration papers would be arrested and "returned to their country of origin." Those with proper documents or wishing to apply for asylum would be allowed to enter Mexico.

Additional reporting: [UPI](#) [10/18/2018 12:31 AM, Ray Downs, 303K]

Bklyn's Fed Delegation Lobby On Behalf Of Immigrants Facing Slavery

[Kings County Politics](#) [10/17/2018 7:29 AM, Michael Rock, NY] reports that Democratic U.S. Reps. Jerrold Nadler, Hakeem Jeffries, Yvette Clarke and Nydia Velazquez all signed on to a recent letter to top Trump Administration officials urging the immediate cessation of deportations of Mauritians from the Northwest African Islamic Republic of Mauritania on the grounds that if deported they face enslavement. The U. S. is home to roughly 3,000 black Mauritians centered in Ohio and Kentucky. Many made their way to American shores in the 1990s as Mauritania's government denaturalized them and subjected them to racial and ethnic persecution, including but not limited to violence and enslavement. About three dozen Democrats from both the House and Senate signed the Oct. 12 letter, which

was sent to both U.S. Department of Homeland Security Secretary Kirstjen Nielsen and U.S. Department of State Secretary Mike Pompeo.

Immigration and Customs Enforcement (ICE) Spokesperson Brendan Raedy disagreed with the content of the letter, arguing that the Trump Administration is fulfilling its legal expectations. "Each country has an obligation under international law to accept the return of its nationals who are not eligible to remain in the United States or any other country. The United States itself routinely cooperates with foreign governments in documenting and accepting its citizens when asked, and ongoing U.S. government efforts have ensured that the majority of the world's countries do likewise," Raedy told KCP. Raedy said the U.S. government provides all those in removal proceedings with an opportunity to apply and be considered for relief from removal. "After considering the merits of each case, if an immigration judge finds an individual ineligible for any form of relief, the judge will issue a final order of removal, which ICE carries out in accordance with applicable U.S. law. I would also point out that Mauritanian nationals, as all other nationals, who visit the United States legally with a visa and abide by the terms of their respective visa are not subject to removal," he added.

Cost of 'public charge'

[Politico](#) [10/17/2018 10:00 AM, Rebecca Rainey, 3106K] reports, "A new Trump administration proposal that targets immigrants who receive government benefits could be a major headache for businesses – and many don't even know it yet," Politico's Ted Hesson reports. The public charge proposal would require the estimated 518,000 foreigners with temporary visas seeking to extend their stay each year to demonstrate that they haven't received government benefits or likely won't in the future. Hesson says that the Homeland Security Department could require that applicants submit a "declaration of self-sufficiency," which could further slow down a system that many employers already see burdensome, especially as they grapple with record-low unemployment levels.

Reported similarly: [Pacific Standard](#) [10/17/2018 9:00 AM, Massoud Hayoun, 110K, CA]

[PA] Arizona-based agency plans to house undocumented immigrant children in Philly shelter, city officials vow to fight

[Philadelphia Inquirer](#) [10/17/2018 5:46 PM, Jeff Gammage, 150K, PA] reports that an Arizona-based youth-services agency is planning to house 60 immigrant children, all of whom arrived alone at the U.S. border with Mexico, in a property it's now preparing in North Philadelphia. For two days, talk that the city would be the site of a shelter for children caught up in the nation's immigration crisis ricocheted through local migrant and youth agencies — upsetting some who questioned why a sanctuary city like Philadelphia should accept the confinement of immigrant children within its boundaries. In a phone interview Wednesday, VisionQuest CEO Peter Ranalli confirmed that his agency has signed a contract with the federal government to house the children, all boys, ages 12 to 17, in a facility in the Logan neighborhood, just south of Einstein Medical Center. The children would come here from other shelters, located in places around the United States, he said. City officials weren't pleased.\

[PA] No Sanctuary: Philly vs. the Feds

[Philadelphia Inquirer](#) [10/18/2018 3:00 AM, David Gambacorta and Kavitha Surana, PA] reports a small, impish grin spread across Jeff Sessions' face. It was a sun-drenched June

afternoon in Scranton, a northeastern Pennsylvania town a few generations removed from its coal-mining heydays, and the U.S. attorney general was ensconced in a window-lined university hall, preaching to cops, prosecutors, and police cadets about the importance of President Trump's war on illegal immigration. Sanctuary cities, Sessions said, reject the law, reward criminals, and put U.S. Immigration and Customs Enforcement officers in peril. Then he smiled, and began attacking Jim Kenney, Philadelphia's Democratic mayor. Philadelphia had emerged as one of the largest thorns in the Trump administration's side. It wore its sanctuary reputation like a badge of honor, and its leaders, including Kenney and District Attorney Larry Krasner, continued to find creative ways to outmaneuver ICE's enforcement efforts. Just a week earlier, Philadelphia won a federal lawsuit that Kenney filed against the Department of Justice. At risk had been a \$1.6 million law enforcement grant, and the critical question of whether Philadelphia — and by implication, cities like New York, Chicago, and San Francisco — could limit cooperation with ICE without being penalized by the federal government. Philadelphia's violent crime rate has fallen by more than 17 percent, to levels not seen in decades, since it became a sanctuary city in 2014. To Kenney, Sessions' complaints about so-called sanctuary cities and counties — which had shot up to more than 700 since Trump took office — were less about public safety and more about pandering to anti-immigrant voters. During the federal lawsuit, David O'Neill, an assistant director from ICE's Philadelphia field office, said he was not aware of any data that showed deporting more immigrants from Philadelphia reduces the city's crime rate. Though ICE officials prefer to talk about the agency's work pursuing criminals, its actions show an increased focus on deporting anyone in the country illegally, clean record or not. ICE also didn't appear to be pursuing many criminal targets in Philadelphia through the criminal justice system. In 2016 and 2017, ICE filed 164 detainer requests with the city for undocumented immigrants, court records show — one to two a week on average.

[TX] New deal keeps open facility that detains immigrant families

[Washington Post](#) [10/17/2018 1:04 PM, Nomaan Merchant] reports that the U.S. government has quietly reached a new agreement to keep open a 2,400-bed detention facility used to detain immigrant mothers and children, in a lucrative arrangement for a private prison company and the tiny South Texas town where it's located. U.S. Immigration and Customs Enforcement last month signed a contract with the city of Dilley, where the South Texas Family Residential Center opened in 2014. Dilley signed a contract at the same time with CoreCivic, the private prison operator that runs the detention center, the largest facility of its kind in the U.S. The city released both contracts to The Associated Press last week in response to an open records request.

ICE said it was replacing an arrangement dating to President Barack Obama's administration that the Department of Homeland Security's inspector general criticized this year as violating budget guidelines and wasting money. But the new arrangement has some of the same features the inspector general criticized. The inspector general said in a February audit that ICE improperly modified the Eloy contract and that it should have avoided creating a "middleman" and reached an agreement directly with the company operating the facility. Also, not conducting a bidding process may have led ICE to overpay for services at the detention facility, the audit said. ICE spokeswoman Nina Pruneda said Tuesday that the agency created the agreement with Dilley in response to the inspector general's concerns about Eloy, and that all other terms of the contract will remain the same.

[AZ] Number of people seeking asylum continues to grow

[KYMA](#) [10/17/2018 5:52 PM, Ciara Encinas, 4K, AZ] reports that groups of families continue to seek asylum in the United States and dozens of them are in Yuma County. Just miles away in San Luis Rio Colorado, Sonora, there was a line of about three dozen people seeking asylum Wednesday afternoon. Many of those were children. That is not including the dozens of asylum seekers that Immigration and Customs Enforcement released into Yuma County last week. Those seeking asylum are from states in southern Mexico, like Chiapas and Michoacán.

[AZ] ICE forced to release illegal immigrants 'out of the front door' in Arizona amid space crunch, border surge

[FOX News](#) [10/17/2018 1:16 PM, Adam Shaw, 11653K] reports Immigration and Customs Enforcement officials – faced with a lack of housing space, an agreement that limits how long they can detain families and a massive increase in the number of border crossers – are having to resort to releasing illegal immigrants and asylum seekers "out of the front door" in Arizona. According to Customs and Border Protection, as of September, more than 90,000 family units have been detained in fiscal 2018 along with more than 45,000 unaccompanied minors. The Arizona Republic reported that the agency released at least 800 family members in the state last week. Activists that work with migrants told the outlet they think ICE is releasing immigrants in large numbers to create a "manufactured crisis" ahead of the November midterms. ICE said in a statement that, starting last Monday, ICE began releasing family units from centers in Arizona without a so-called "post-release plan" – which would normally include a transportation plan and a way to get to any relatives already in the country. Those detained are released with a notice to appear before a court hearing to adjudicate their immigration case, or in some cases paroled with supervision requirements. Sen. Jon Kyl, R-Ariz., raised the question to Homeland Security Secretary Kirstjen Nielsen in a Senate hearing last week, saying he had been contacted by the Yuma mayor who had expressed concern at the mass release without review.

Reported similarly: [MSN News](#) [10/17/2018 3:11 PM, Rafael Carranza]

[AZ] Is ICE releasing migrant families to fire up support for Trump's base?

[AZ Central](#) [10/17/2018 8:00 AM, Daniel Gonzalez and Rafael Carranza, AZ] reports that as President Donald Trump prepares to visit Arizona for a pre-election rally, federal immigration authorities have not-so-quietly released hundreds of undocumented families arriving at the state's Southern border seeking asylum in the United States. The families have been dropped off at churches and other shelters by the busloads. The abrupt release of large numbers of migrant families has been welcomed by immigrant rights groups, who prefer allowing them to enter the U.S. to apply for asylum over prolonged detention, especially in the wake of the Trump administration's zero-tolerance policy last summer, which resulted in the forced separation of nearly 3,000 children from their parents. But some advocates are concerned that the large-scale release of families has been timed by the Trump administration to fire up the Republican base leading up to the midterm elections in hopes of tipping the scales in favor of Republican candidates such as Rep. Martha McSally, a border hawk who is running neck and neck with her centrist Democratic opponent, Rep. Kyrsten Sinema. ICE officials announced last Monday that the agency had begun releasing families in Arizona without fully reviewing their travel plans in response to a surge of families arriving at the border and a lack of detention space.

Yasmeen Pitts O'Keefe, an ICE spokeswoman, declined to comment on allegations that the

agency's large-scale release of families was tied to the midterm elections. She referred to a written statement the agency released last week that said "after decades of inaction by Congress, the government remains severely constrained in its ability to detain and promptly remove families that have no legal basis to remain in the United States. As a result, family units continue to cross the border at high volumes and are likely to continue to do so, as they face no consequence for their actions."

[AZ] Deep In The Desert, A Case Pits Immigration Crackdown Against Religious Freedom

[NPR](#) [10/18/2018 5:00 PM, Ryan Lucas, DC] reports that in January, Border Patrol agents walked up to a ramshackle old building on the outskirts of a small town in Arizona's Sonoran Desert. They found three men. Two were Central Americans who had crossed the border illegally. The third was an American — a university lecturer and humanitarian activist named Scott Warren. Warren was arrested and ultimately charged with two federal criminal counts of harboring illegal migrants and one count of conspiracy to harbor and transport them. Warren has pleaded not guilty. Warren's arrest briefly flickered across the national news amid the partisan tug-of-war over the administration's immigration policy before fading into the background. But his legal team's decision to stake out part of his defense on religious liberty grounds has made the case a clash between two of Attorney General Jeff Sessions' top priorities: cracking down on illegal immigration and defending religious liberty.

[CA] California Sanctuary Law Divides State In Fierce Immigration Debate

[NPR](#) [10/17/2018 3:11 PM, Samantha Raphelson, Jeremy Hobson and Chris Bentley] reports that in California, a new state law that took effect earlier this year is pitting cities against each other in a fierce debate over immigration. Senate Bill 54, called the "California Values Act," essentially makes California a sanctuary state by limiting how much local law enforcement can cooperate with federal authorities to enforce immigration law. It has divided the state with some cities embracing the sanctuary law and other cities actively defying the state.

Some law enforcement officials say the sanctuary law is having unintended consequences, says Mark Zito, assistant special agent in charge of Immigration and Customs Enforcement's Homeland Security Investigations (HSI) in the Los Angeles area. Zito says the law is complicating investigations into serious crimes like human trafficking, and he argues his division of ICE has become collateral damage in a political battle over the country's broken immigration system. In June, a group of HSI special agents sent a letter to Homeland Security Secretary Kirstjen Nielsen asking to separate HSI from ICE. "I feel that this has become a political issue, and it really should be a non-partisan issue, and it's a public safety issue," Zito says. "We help immigrants more than any other agency that I'm aware of. A lot of these immigrants that come across illegally are abused. We go after the bad guys that are terrorizing these people when they're coming up here. We're talking about criminal organizations that are doing this."

[CA] Dem. Members Raise Concerns About Mistreatment of Immigrant Detainees at Adelanto Detention Center

[U.S. Congresswoman Judy Chu](#) [10/17/2018 7:29 AM, Staff, CA] reports that today, Rep. Judy Chu (CA-27) and seven other members of Congress who all visited Adelanto Detention Center in August sent a letter to Department of Homeland Security Secretary Kirstjen Nielsen and Immigration and Customs Enforcement Acting Director Ronald Vitiello

to express "deep concern about the treatment of immigration detainees at the Adelanto Detention Center." The letter follows a September 27, 2018 report by the Office of Inspector General (OIG) at the Department of Homeland Security (DHS), which details horrific conditions at Adelanto, like bedsheets being tied like nooses in detainee rooms, inadequate medical treatment, and inappropriate segregation of detainees. The letter asks DHS to answer questions on employee training to identify risks of self-harm and suicide-prevention as well as an accounting of responses to immigrants who had nooses found in their rooms.

Legal News

Losing Patience Over DACA, Trump Administration Eyes Supreme Court

[Bloomberg](#) [10/17/2018 11:03 AM, Erik Larson] reports that U.S. President Donald Trump's administration said the federal appeals court in San Francisco is taking too long to decide whether it can go ahead with a plan to scrap legal protections for hundreds of thousands of children of undocumented immigrants known as Dreamers. If the U.S. Court of Appeals for the Ninth Circuit doesn't issue a decision by Oct. 31, the administration will go straight to the Supreme Court for a finding on whether an injunction against the plan should be lifted, the Justice Department said Wednesday in a letter to the appeals court. The Supreme Court in February declined to hear an immediate appeal in the case, saying the justices assumed the appeals court would "proceed expeditiously to decide this case," according to the letter. That isn't happening, even though the appeals court heard arguments in May, the Justice Department says. "The district court's injunction has now been in place for more than nine months and, unless either this Court or the Supreme Court promptly intervenes, it could remain in force for at least another year, given the Supreme Court's argument calendar," the government said. The state of limbo since the injunction was issued in January is allowing about 700,000 Dreamers to continue to break federal immigration law, the Justice Department said.

Trump Admin. Pushes 9th Circ. To Decide On DACA Rollback

[Law360](#) [10/17/2018 8:54 PM, Dave Simpson, NY] reports that the Trump administration told the Ninth Circuit on Wednesday that it would file a second petition for review in the U.S. Supreme Court if the appellate court does not issue a ruling by Oct. 31 on the legality of the administration's decision to rescind Deferred Action for Childhood Arrivals. In January, a trial judge in California federal court sided with the plaintiffs in the case — which included the University of California, the California county of Santa Clara and several immigrants — issuing a nationwide injunction preventing the administration from proceeding with its plan to roll back the program and allowing its beneficiaries to reapply for work authorization and deportation protection. The lead case is *Regents of the University of California et al. v. U.S. Department of Homeland Security et al.*, case number 18-15068, in the U.S. Court of Appeals for the Ninth Circuit.

We Don't 'Rubber Stamp' Gov't On Immigration, 11th Circ. Says

[Law360](#) [10/17/2018 7:20 PM, Kevin Penton, NY] reports that the Eleventh Circuit on Wednesday declared that it does not "rubber stamp" the federal government's decisions in immigration cases, as the court vacated the Board of Immigration Appeals' denial of a man's bid to reopen his deportation proceedings. Although the appellate court generally owes deference to agency decisions as long as they are not "arbitrary and capricious," the BIA and an immigration judge went too far by denying Alfredo Marquez Martinez's petition

to reopen his removal proceedings in part because he supposedly didn't complete a court filing fast enough for their liking, according to Wednesday's opinion. The BIA and the unidentified immigration judge denied Marquez Martinez's petition in part because of his "delay" in filing his motion to reopen, even though he did file it before the passing of a statutory deadline, according to the opinion. The case is Marquez Martinez v. U.S. Attorney General, case number 18-11099, in the U.S. Court of Appeals for the Eleventh Circuit.

U.S., Mexico officials working together to turn away asylum seekers, lawsuit alleges

[AZ Central](#) [10/17/2018 6:13 PM, Rafael Carranza, 665K, AZ] reports that U.S. border officials have instituted a "turn back policy," working hand in hand with their Mexican counterparts to deter migrants from seeking asylum in the United States, migrants-rights groups allege in a recent court filing. The documents filed in a California federal court seek to establish that it has become formal U.S. policy to systematically turn away migrants legally seeking asylum at ports of entry along the U.S.-Mexico border. Documents filed Friday aimed to show that U.S. and Mexican border officials use intimidation and misinformation to prevent asylum claims and force migrants to return to Mexico where they are vulnerable to abuse and violence. The amended filing is part of a class action lawsuit filed in 2017 against the U.S. Department of Homeland Security and Customs and Border Protection on behalf of the Los Angeles- and Tijuana-based migrant aid group Al Otro Lado Inc. and more than a dozen migrants. The lawsuit — filed by the Southern Poverty Law Center, American Immigration Council, Center for Constitutional Rights, and a Los Angeles-based law firm — said the practice had been widespread since 2016, under the administration of President Barack Obama, but that it has intensified since President Donald Trump took office.

ICE subpoenas immigration lawyer in leak hunt

[San Francisco Chronicle](#) [10/17/2018 3:20 PM, Tal Kopan, CA] reports that the Trump administration has subpoenaed an immigration attorney in an attempt to determine who leaked an internal memo that laid out how Immigration and Customs Enforcement should implement Attorney General Jeff Sessions' decision to restrict political asylum for victims of domestic violence and gang crimes. The attorney said he doesn't intend to reveal his sources or any other information about how he obtained the memo. The subpoena was sent to Colorado-based immigration attorney Daniel Kowalski, who is also the editor of Bender's Immigration Bulletin, an immigration law journal published by LexisNexis. It demands that Kowalski hand over "all information" related to the memo he posted in July, including when, how and where he got it. The summons asks for "contact information for the source of the document." The subpoena was sent by Special Agent Daniel Del Castillo, an officer in ICE's Office of Professional Responsibility. ICE did not immediately comment on the subpoena. At issue is a July 11 memo written by ICE principal legal adviser Tracy Short about Sessions' decision in June to reinterpret asylum law in such a way that most victims of domestic and gang violence wouldn't qualify. The change could affect tens of thousands of asylum seekers in the U.S.

[NY] FOIA Suit Seeks Posting Of Unpublished BIA Decisions

[Law 360](#) [10/17/2018 3:39 PM, Tiffany Hu] reports the U.S. Department of Justice on Wednesday was hit with a Freedom of Information Act suit in New York federal court over thousands of unpublished Board of Immigration Appeals decisions, with nonprofit attorneys alleging that the department's failure to post the decisions gives the government an unfair advantage in immigration cases. While the board and immigration judges have unfettered

access to the unpublished, or non-precedential, decisions in immigration proceedings, attorneys who represent immigrant clients lack the same ability to view and cite those decisions, the New York Legal Assistance Group said in its complaint. The nonprofit urged the district judge to find that the DOJ was wrongly hiding the rulings from the public and to order the department to post them online. According to the complaint, although the BIA issues over 30,000 unpublished decisions each year, only six are currently available in its electronic reading room. Parties may cite an unpublished BIA decision in cases before the DOJ's Executive Office for Immigration Review, as long as they had a copy of the decision, or the alien registration number and decision date of the relied-upon opinion, the nonprofit said.

[NJ] Split 3rd Circuit Panel Rules Against Fugitive Putin Opponent Facing Extradition

[New Jersey Law Journal](#) [10/17/2018 12:03 PM, P.J. D'Annunzio, 118K, NJ] reports that a Russian fugitive detained in the U.S. claiming he fled his homeland because of persecution for opposing President Vladimir Putin is one step closer to being extradited, although not without objections from one federal appeals judge who claimed the judicial system could be the unwitting pawn of the Russian government in this case. The U.S. Court of Appeals for the Third Circuit ruled 2-1 that Igor V. Borbot was not entitled to a new bond hearing, on the basis that he is "a danger to the community." Borbot, who came to the U.S. in 2014, was arrested in 2016 by Immigration and Customs Enforcement after overstaying his six-month tourist visa and has been locked up ever since, according to the decision.

[PA] 3rd Circ. Denies New Immigration Hearing For Putin Critic

[Law360](#) [10/17/2018 9:36 PM, Rose Krebs, NY] reports that the Third Circuit on Tuesday denied a Russian native's petition for a new bond hearing in his ongoing immigration detention case as he awaits possible deportation to potentially face criminal fraud charges in Russia that he contends were filed in retaliation for his political opposition to President Vladimir Putin. In a 2-1 precedential decision, a Third Circuit panel ruled that Igor V. Borbot failed to show that his due process rights were violated at an initial hearing in 2016 and that his petition seeking "a second bond hearing despite alleging no constitutional defect in the one he received" is akin to asking the court to directly review an immigration judge's bond decision, which the ruling said it is barred from doing. Borbot was detained by U.S. Immigration and Customs Enforcement in April 2016 after staying beyond his six-month tourist visa, according to the opinion. The case is Borbot v. Warden Hudson County Correctional Facility, case number 17-2814, in the U.S. Court of Appeals for the Third Circuit.

[MO] Attorneys for Pablo Serrano again move to preclude death penalty

[ABC 17 News](#) [10/17/2018 9:52 PM, Sara Maslar-Donar, 17K, MO] reports that attorneys for an undocumented immigrant accused of killing a New Florence man in 2016 are again asking a St. Louis judge to preclude the death penalty from his case. Pablo Serrano-Vitorino is accused of killing Randy Nordman on March 8, 2016 at Nordman's home. Serrano was on the run at the time for allegedly killing four people in Kansas.

[TX] Legal team for journalist Emilio Gutiérrez-Soto to hold news conference in El Paso, Texas, Monday, Oct. 22

[PR Newswire](#) [10/17/2018 4:52 PM, Staff, 937K] reports that the legal team for award-winning Mexican journalist Emilio Gutiérrez-Soto will hold a news conference at noon on Monday, Oct. 22. The team will discuss Monday's scheduled hearing with Judge Robert S.

Hough. The hearing is currently scheduled to begin at 8:30 a.m. and should conclude by 10:30 a.m. Officials from U.S. Immigration and Customs Enforcement and the Department of Homeland Security, and the lead attorney for the Gutiérrezes, Eduardo Beckett will make presentations to the Judge who will rule on an asylum request for Mr. Gutiérrez-Soto and his son, Oscar.

[AZ] Plaintiffs In Motel 6 Guest List Suit Granted More Time For Settlement

[Lexis Legal News: Mealey's Franchise](#) [10/17/2018 3:05 AM, Staff, NY] reports that an Arizona federal judge on Oct. 9 granted a motion for extension and gave the parties in a class lawsuit over guest lists being voluntarily turned over to U.S. Immigration and Customs Enforcement agents by Motel 6 Operating L.P. and G6 Hospitality LLC, doing business as Motel 6, until Nov. 2 to move for preliminary approval of a class settlement. The joint motion was filed Oct. 4 and stated that additional time was needed to prepare class settlement documents.

[CA] California Is Cracking Down on Legal Scams Targeting Immigrants

[The Reader](#) [10/17/2018 7:20 PM, Lyle Moran, CA] reports that Robin Schwab told a local Hungarian immigrant named Magdolna Gulyas that she was a lawyer who could help get Gulyas' husband released from ICE custody amid his active deportation order. Gulyas, who also had been ordered removed from the United States, paid Schwab slightly more than \$3,000 last year for legal help in tandem with another attorney in San Diego County. But Schwab, who was not a licensed lawyer or working with one, did nothing to help free Gulyas' husband Krisztian Harasztosi from detention, said San Diego Deputy District Gina Darvas. State Bar Executive Director Leah T. Wilson said recently her agency is "dedicated to protecting Californians, regardless of their immigration status." "All Californians should have access to qualified and ethical attorneys. But we know that the unauthorized practice of law, including notario fraud, is rampant and all too often unfairly targets immigrant communities," Wilson said in a statement to Voice of San Diego, referring to a word used in many Latin American nations to denote a lawyer.

[CA] ACLU Seeks Docs Tied To ICE Agents Hiding Their Identities

[Law360](#) [10/17/2018 2:02 PM, Kevin Penton] reports that the federal government is violating the Freedom of Information Act by failing to timely and adequately respond to a request by the American Civil Liberties Union for documents related to immigration officers allegedly concealing their identities when enforcing the nation's immigration laws, the human rights watchdog contended Tuesday in California federal court. The ACLU of Southern California wants a federal judge to order the U.S. Department of Homeland Security to produce the records related to the practices of Immigration and Customs Enforcement agents that the organization first requested in February but has yet to obtain, it said in a complaint filed in the Central District of California. The case is ACLU of Southern California v. U.S. Department of Homeland Security, case number 2:18-cv-08917, in the U.S. District Court for the Central District of California.

[CA] Casa Cornelia works to represent children in San Diego immigration court

[San Diego Union-Tribune](#) [10/17/2018 5:00 AM, Kate Morrissey, 320K, CA] reports that Casa Cornelia Law Center is one of the few organizations in San Diego that offers pro bono attorneys in immigration cases and the only one that represents detained children. Without attorneys, minors in immigration court proceedings have to navigate a set of laws as thick and complex as tax codes, and attorneys are not provided even for toddlers. When children

arrive at the southwest border by themselves, a migration trend that has happened for decades, the federal government puts them in the custody of the Office of Refugee Resettlement. Children generally stay at a facility until they can be placed with sponsors or foster families. Attorneys from Casa Cornelia screen every child who passes through Southwest Key's San Diego facilities, teaching them what rights they have in the immigration system, explaining what options they have to try to stay in the U.S. based on their individual cases and offering to represent them for free.

As the drama of what will happen to separated children plays out in federal court, Casa Cornelia attorneys worry about something else – how other changes from the Trump administration have made outcomes in children's cases much less certain. When Attorney General Jeff Sessions in June reversed a Board of Immigration Appeals decision that set precedent for asylum-seeking women fleeing domestic violence, his narrow interpretation of what counted as a "particular social group" in asylum applications affected cases of children fleeing domestic or gang violence. Attorneys scrambled to review pending applications and submit additional arguments under the new case law. As most of the options that children have to stay in the U.S. require application approval outside of immigration court, two other recent decisions from Sessions have made at least one San Diego judge question whether he can keep giving more time for those applications to process.

Enforcement News

[CT] Pakistani Couple Returns Home After 7 Months in Church Sanctuary

[WSHU Public Radio](#) [10/17/2018 9:29 AM, Cassandra Basler, CT] reports that a Pakistani couple is returning to New Britain, Connecticut, after living in a church for seven months. Immigration officials have decided not to deport them while their case is pending in federal appeals court. When the couple left the First Congressional Church of Old Lyme, members of the congregation lined up on each side of the walkway in front, ready to greet the happy couple. Zahida Altaf and her husband Malik Naveed bin Rehman descended the church steps in what looked like a wedding procession. Instead of ushers, Pastor Steve Jungkeit and U.S. Senator Richard Blumenthal of Connecticut escorted Altaf and Rehman to – not a limo – but a gray mini-van. An appointment at Immigration and Customs Enforcement, or ICE, awaits in Hartford. Altaf and Rehman went into hiding at the church because ICE considers it a sensitive location where officials will not enter. In Hartford, officers will service their ankle monitors before the couple can return to their 5-year-old daughter – who's a U.S. citizen – and tend to their pizza shop in New Britain. The couple arrived nearly 18 years ago on a temporary visa, but they were derailed from a path to citizenship – and swindled out of nearly \$6,000 – when an immigration lawyer mishandled their paperwork. It's now up to a judge to decide if they face enough danger in Pakistan to warrant staying in the U.S.

[NY] Remains likely those of missing boy

[Finger Lakes Times](#) [10/17/2018 9:00 AM, Mike Hibbard, 9K, NY] reports that while positive identification is still months away, Wayne County Sheriff Barry Virts said bones found on a Sodus farm last week are likely those of 14-month-old Owen Hidalgo-Calderon, who police and others have been looking for since May. During a press conference Tuesday at the public safety building, Virts said the remains "are consistent with a child Owen's age." The remains were taken to the Monroe County Medical Examiner's Office. Police, emergency responders and numerous community members had been searching for the boy since May, when the body of his mother — 18-year-old Selena Hidalgo-Calderon — was found on a

Joy Road farm where she worked. Her boyfriend, 26-year-old Everado Donoteo-Reyes, was later arrested in the case. He has been charged with tampering with physical evidence for allegedly burying Selena. He says he did not kill her and has not been charged with doing so. Reyes, also known as Alberto Gutierrez-Reyes, also faces federal charges for allegedly having a counterfeit Social Security card and alien registration card. Virts said he had been deported twice previously and returned to the United States each time. Reyes and Selena both worked on the Joy Road farm. Virts said Selena was seeking asylum before she was killed.

Reported similarly: [WBFO](#) [10/17/2018 7:32 AM, Randy Gorbman, 6K, NY]

[NY] Man looking to be granted asylum

[News 12 Westchester](#) [10/17/2018 6:06 AM, Staff, NY] reports that people are showing support for a Mount Kisco father being detained by Immigration and Customs Enforcement. According to ICE officials, Armando Rojas was told to leave the U.S. after entering illegally back in 1993, but he didn't. People gathered at a candlelight vigil at a local synagogue last night, where he's been working as a custodian for more than 20 years. In March he was taken into custody. Since then, the congregation and his family have been trying to get him asylum. Rojas is currently at a prison in upstate New York pending the outcome of his immigration case. [Editorial note: consult source link for video]

[NJ] Will NJ shield man accused of random knife attack on a woman?

[New Jersey 101.5](#) [10/17/2018 9:43 AM, Dennis Malloy, 59K, NJ] reports that Elias Guarcas, an illegal immigrant from Guatemala, was arrested Monday morning for an alleged random knife attack on a woman in Cliffside Park. The incident was witnessed by several people and he was stopped by a passing cab driver and held until cops arrived, police said. Now ICE wants local authorities to hold him for deportation. If this is a sanctuary state, as Governor Murphy has promised, will local authorities hold him or turn him loose on the streets? Shouldn't a guy like this be tossed out of the country immediately? Of course. Where is the line where the state will cooperate with federal authorities when it comes to people here illegally?

[LA] ICE most wanted undocumented immigrant living in Church Point arrested re-entering U.S.

[KLFY 10](#) [10/17/2018 6:03 PM, Staff, LA] reports that United States Attorney David C. Joseph announced that 48-year-old Jose Melchor Martinez, a resident of Church Point and a citizen of Mexico, has been arrested after being charged by a federal criminal complaint in U.S. District Court with re-entry of a removed alien. According to the criminal complaint filed on October 12, 2018, Martinez illegally re-entered the United States after being deported on September 6, 2003, and had not received permission from the U.S. Attorney General or the Secretary of the Department of Homeland Security to re-enter. According to U.S. Immigrations and Customs Enforcement, Martinez is considered to be one of their most wanted fugitives.

[OH] Deported to slavery? Forest Park man back in Mauritania, where he is a non-citizen

[Cincinnati Enquirer](#) [10/17/2018 4:34 PM, Mark Curnutte, 79K, OH] reports that a Forest Park man who had built a life with his American wife and two American children and worked legally for 14 years was deported Tuesday to Mauritania, a country that denies him

citizenship. Issa Sao, 37, who'd been in federal immigration detention since May, was flown Tuesday on a charter flight to his native Mauritania. The northwest African nation was the last in the world to abolish slavery, which U.S. government officials believe persists. The CIA estimates up to 20 percent of Mauritians live in slavery; most of those enslaved are Afro-Mauritians like Sao, who lack legal status as citizens. "Issa is in Mauritania," said Lynn Tramonte, an advocate for Sao and his family and director of Ohio Immigrant Alliance. Tramonte said Sao and other Mauritians were flown on a charter flight by U.S. Immigration and Customs Enforcement. Spokesman Khaalid Walls in ICE's Detroit regional office said such flights are consistent with "agency protocols, which focus on the safety and security of detainees." Sao's asylum application was denied in 2004 by an immigration judge. The U.S. Board of Immigration Appeals then denied his appeal in 2009. ICE's Walls wrote in an email to The Enquirer: "Over more than a decade, Mr. Sao's immigration case underwent exhaustive judicial review at multiple levels of the nation's courts ... In each review, the courts uniformly held that Mr. Sao did not have a legal basis to remain in the U.S. As such, Mr. Sao was removed to his home country pursuant to his final order of removal."

[TX] U.S. Border Patrol agents arrest previously removed convicted killer in El Paso
[Deming Headlight](#) [10/17/2018 10:00 AM, Staff, NM] reports U.S. Border Patrol Agents assigned to the El Paso Station arrested a convicted killer who previously resided in Houston, Texas. Late Tuesday night, agents working the video surveillance system observed three people illegally enter the United States through the Rio Grande just south of the Asarco area. The camera operators advised agents in the area of the location of the group as they made their way north of Paisano Drive. An agent found all three people lying flat attempting to hide near the canal wall located north of Paisano. The three were arrested and transported to the Paso Del Norte Texas Processing Center. Border Patrol agents researched all immigration and criminal databases. Checks determined that one of the men, identified as 41-year-old Alberto Antonio Coreas Mejia from El Salvador, had previous immigration and criminal history. The records showed that Alberto Antonio Coreas Mejia was convicted in Houston, Texas, for criminally negligent homicide and served four years in prison. Coreas was encountered by ICE agents after he was arrested in Houston for resisting arrest and attempted burglary in 2013. He was just officially removed from the United States in October 2017 Coreas was transported to the El Paso County Jail pending removal and criminal proceedings.

[TX] Adult Migrant at Border Faked Being 'Unaccompanied Minor,' Say Feds
[Breitbart](#) [10/17/2018 12:05 PM, Bob Price, 2213K] reports that a U.S. Customs and Border Protection (CBP) officer assigned to an El Paso, Texas, port of entry reportedly discovered an adult migrant who fraudulently claimed to be an unaccompanied minor during a crossing. The male traveling with the pregnant woman allegedly claimed to be an unaccompanied minor and presented the Guatemalan birth certificate of his underage cousin. The officer reportedly determined the man presented the document fraudulently and is actually a 21-year-old adult. The officer arrested the man, who will face federal charges for making false or misleading representations at the border.

[KS] Illegal alien charged after 12-year-old injured in hit-and-run
[Miami County Republic](#) [10/16/2018 10:13 PM, Brian McCauley, 1K, KS] reports that the suspect taken into custody Tuesday, Oct. 16, in connection with a hit-and-run that injured a 12-year-old boy is reportedly an illegal alien without a driver's license, according to the

Paola Police Department. Luis Jose Gross-Alvarado, 22, of Paola was booked into the Miami County Jail on Wednesday, Oct. 17, on charges of accident involving personal injury, duty to provide certain information after an accident and driving without a license. Paola police officials said Gross-Alvarado also is being held on a federal detainee warrant from U.S. Immigration and Customs Enforcement.

[WA] In Federal Way, a key witness to a police shooting was deported by ICE

[Crosscut](#) [10/17/2018 1:04 PM, David Kroman, WA] reports that in a lawsuit against the City of Federal Way, attorneys for the family of a young man killed by police say they have a key witness. The only problem: He's been deported. Before they shot and killed Ricardo Hernandez on October 8, 2016, Federal Way police officers formed a perimeter around the home of the 23-year-old. He'd barricaded himself inside, wielding multiple knives, causing his family to call 911. As this was happening, the young man's uncle, Miguel Hernandez-Velasquez, pleaded with officers to allow him to speak to his nephew, according to a lawsuit filed in federal court earlier this month and first reported by KUOW. Hernandez-Velasquez, who is not identified by name in the suit, reportedly believed he could have helped talk his nephew Ricardo down from what his family believed to be a mental health crisis.

That's not what happened. After officers ushered his family out of a bedroom window, Hernandez walked onto the home's back porch, shouted "Just f***** kill me" and was shot and killed by officers Blake Losvar and Tanner Pau. The officers say he lunged at them with knives, causing them to fear for their lives. In the lawsuit, an attorney for the family says Hernandez was not a danger to others when he was shot. In the fact-finding inquest that occurred following Hernandez's death, attorneys for his family, James Bible and Leah Altaras, sought to have his uncle, Hernandez-Velasquez, testify. They called him a "key" witness. "He was there," Altaras told Crosscut last month. "He was the one who was closest to the shootings when it occurred." But in the days after officers killed his nephew, Hernandez-Velasquez was arrested by Immigration and Customs Enforcement. A spokesperson for ICE told Crosscut Hernandez-Velasquez had "felony and misdemeanor criminal convictions and [had] been previously removed from the U.S. on multiple occasions."

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

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Policy and Legislative News

Trump threatens drastic action on immigration in bid to energize GOP voters

[Washington Post](#) [10/18/2018 9:16 AM, David Nakamura, Joshua Partlow and John Wagner] reports facing a spike in unauthorized immigration, President Trump on Thursday lashed out at Democrats and the leaders of Latin American nations, seeking to deflect blame and mitigate political damage by riling up his base just weeks before the midterm elections. The president's mounting frustration was evident in a series of tweets in which he threatened to summon the military to guard the southern border, cut off aid to Central American nations and upend a recent trade deal with Mexico if those governments fail to stop a large caravan of migrants from Honduras making its way toward the United States. Border Patrol agents arrested more than 16,000 immigrant families at the U.S.-Mexico border in September, the highest total on record and an increase of 80 percent since July, when Trump reversed his administration's policy of separating immigrant children from their parents after a public outcry. In all, more than 107,000 family members were taken into custody in fiscal 2018, obliterating the previous high of just under 78,000 in 2016. The immigration spike this year, after a sharp decrease in the first six months of his presidency, has complicated Trump's immigration message. In response, he has exhorted aides to

enact more extreme policies, including making it more difficult for immigrants to seek asylum protections and measures aimed at increasing criminal prosecutions of unauthorized border-crossers. The White House is also considering a new policy, known as "binary choice," which would detain migrant families together and give parents a choice — stay in immigration jail with their child for months or years as their asylum case proceeds, or allow their child to be assigned to a government shelter while a relative or guardian can apply to gain custody. In his tweets Thursday, Trump aimed to ramp up pressure on foreign governments. "In addition to stopping all payments to these countries, which seem to have almost no control over their population, I must, in the strongest of terms, ask Mexico to stop this onslaught — and if unable to do so I will call up the U.S. Military and CLOSE OUR SOUTHERN BORDER!" Trump said in one tweet.

The [Washington Post](#) [10/18/2018 5:38 PM, Sonia Perez D., Peter Orsi and Mark Stevenson] also reports that on Thursday, Mexico dispatched additional police to its southern border, after the Casa del Migrante shelter on the Guatemalan side of the border reported that hundreds of Hondurans had already arrived there. Mexican officials say the Hondurans won't be allowed to enter as a group, and would either have to show a passport and visa — something few have — or apply individually for refugee status, a process that can mean waiting for up to 90 days for approval. Mexico's ambassador to Guatemala, Luis Manuel Lopez Moreno, met with leaders of the caravan Wednesday and warned them that Hondurans caught without papers in Mexico would be deported.

[CNN](#) [10/18/2018 1:55 PM, Catherline E. Shoichet] reports that President Trump has said if migrants aren't stopped before they reach the U.S. border, foreign aid will be cut. All told, U.S. aid planned for Honduras, Guatemala, El Salvador and Mexico in fiscal year 2019 adds up to nearly \$260 million. That's already notably less than amounts pledged in past years. And threatening to cut aid even further is a high-profile way for the U.S. to wield its global influence. But putting foreign aid on the chopping block actually could end up fueling more migration north, experts have said, noting that people are increasingly likely to leave their home countries if governments there lose funding for programs geared toward stemming violence and creating economic opportunities.

[FOX News](#) [10/18/2018 1:59 PM, Staff] reports that Fox News contributor and former Acting ICE Director Tom Homan joined Harris Faulkner on "Outnumbered Overtime" Thursday to react to President Trump's warning that he could use the U.S. military to close the southern border with Mexico if officials there don't stop a growing migrant caravan that's swelled in size to about 4,000 people. The president's latest threat against the caravan that originated in Honduras — and which is heading to the U.S. in a bid to escape Honduras' poverty and violence — comes as Secretary of State Mike Pompeo is heading to Central America to talk with leaders about the issue. "I think the president threw down the gauntlet, as he should have," Homan said, predicting that the Mexican government will "do the right thing" and not allow the caravan to pass through. Noting that Mexican officials have deployed 500 additional federal police officers to the Mexico-Guatemala border, he predicted they will either turn the caravan back or let the migrants apply for asylum in Mexico. "If these people are really concerned about persecution, fear and death and they want to claim political asylum, they are now out of Honduras. They have crossed through Guatemala and they'll get to Mexico," Homan said. "It's really not about persecution or fear. It's about getting to the United States and committing fraud." [Editorial note: consult source link for video]

[Stars and Stripes](#) [10/18/2018 9:16 AM, Corey Dickstein] reports that Pentagon officials,

who apparently were caught off guard by Trump's announcement of calling in the military to close the southern border, said several hours after Trump's tweets that the Defense Department had received no new directives from the White House. "Beyond the National Guard soldiers currently supporting the Department of Homeland Security on our southern border ... under the command and control of the respective state governors, the Department of Defense has not been tasked to provide additional support," said Army Lt. Col. Jamie Davis, a Pentagon spokesman. It also was not clear Thursday if the military could legally be used to shut down the U.S.-Mexico border. Federal law prohibits American service members from performing civilian law enforcement duties on U.S. soil outside of military installations.

Reported similarly:

[Wall Street Journal](#) [10/18/2018 2:01 PM, Vivian Salama]
[The Hill](#) [10/18/2018 9:09 PM, Tal Axelrod]
[The Hill](#) [10/18/2018 8:53 AM, Avery Anapol]
[The Hill](#) [10/19/2018 6:00 AM, Mike Lillis and Brett Samuels]
[Bloomberg](#) [10/18/2018 8:32 AM, Terrence Dopp]
[Breitbart](#) [10/18/2018 12:00 PM, Neil Munro, 2213K]
[Breitbart](#) [10/18/2018 8:20 AM, Charlie Spiering, 2213K]
[Huffington Post](#) [10/18/2018 8:09 AM, Marina Fang]
[FOX News](#) [10/18/2018 10:52 AM, Greg Norman]
[FOX News](#) [10/18/2018 2:51 PM, Bryan Dean Wright, 11653K]
[CBS News](#) [10/18/2018 8:53 AM, Holly Rosenkrantz]
[CBS News](#) [10/18/2018 1:44 PM, Staff]
[USA Today](#) [10/18/2018 9:14 PM, John Fritze, David Jackson and Phil Drake, 8110K]
[ThinkProgress](#) [10/18/2018 9:26 AM, Rebekah Entralgo, 799K]
[New York Magazine](#) [10/18/2018 11:54 AM, Eric Levitz, 1913K, NY]
[Epoch Times](#) [10/18/2018 2:51 PM, Petr Svab, 512K, NY]
[Washington Examiner](#) [10/18/2018 7:58 AM, Katelyn Caralle, DC]
[McClatchy Washington Bureau](#) [10/18/2018 8:00 AM, Franco Ordoñez & Anita Kumar, DC]
[VOX](#) [10/18/2018 11:40 AM, Dara Lind, 3472K, DC]
[VOA News](#) [10/18/2018 2:01 PM, Victoria Macchi, 1094K, DC]
[The Daily Caller](#) [10/18/2018 10:54 AM, Will Racke, 984K, DC]
[BBC](#) [10/18/2018 8:53 AM, Staff, UK]

Talks Of Family Separation Are Renewed Following A Migrant Caravan Heading For The U.S. Border

[NPR](#) [10/18/2018 5:16 PM, John Burnett] reports another caravan is on its way from Central America to the U.S. border, enraging the Trump Administration that is now considering resuming family separations as a way to deter asylum-seeking migrants from crossing into the country illegally. The president's critics warn that new scheme for family separation is just as cruel as the previous one. [Editorial note: consult source link for audio]

Trump Suggests Immigrant Families Are Fake: They 'Grab Children and Use Them as a Prop'

[Newsweek](#) [10/18/2018 7:12 AM, Chantal Da Silva] reports that President Donald Trump has suggested that some immigrant families arriving at the U.S. southern border are using "prop" children to make their asylum claims. The U.S. leader made the comments after being asked during an interview with The Associated Press about his administration's family

separation policy, which saw more than 2,600 children separated from their parents at the U.S.-Mexico border and received widespread condemnation before it was rescinded on June 20.

Trump must stop treating immigrants like dangerous invaders – it's time for a different approach

[FOX News](#) [10/18/2018 6:11 PM, Ali Noorani] reports that instead of playing politics with people's lives and sending out angry tweets, President Trump should be in the business of saving people's lives and should stop treating immigrants like a dangerous enemy force invading our country. Despite the president's tweetstorm Thursday, the roughly 4,000 men, women and children from Honduras fleeing violence and poverty who want to travel through Mexico toward the U.S. do not pose a threat. Like generations of immigrants and refugees before them, these immigrants are seeking better, safer lives in America – as President Trump's paternal grandparents, his mother and two of his wives did when they immigrated to the United States. And contrary to the president's campaign rhetoric, the immigrants coming here now are not members of an army of drug dealers, rapists and other criminals. President Trump should propose more targeted aid and incentives to grow the economies of Guatemala, Honduras and El Salvador, while promoting the rule of law. Over time, if people can find work and live securely, they won't make the trek north. The U.S. currently provides approximately \$500 million annually to these three countries, combined. This represents 0.012 percent of our federal budget.

Trump threatens to seal U.S.-Mexico border over migrant caravan. Can he do it?

[USA Today](#) [10/18/2018 8:21 PM, Alan Gomez, 8110K] reports that it's unclear whether Trump is seriously considering a complete closure of the 2,000-mile border with Mexico, or if he's using the threat simply to get America's southern neighbors to cooperate, or that he's just trying to rally his political base less than three weeks before the midterm elections. If sealing the border is realistically on the table, then that raises countless questions over the authority of the president to do so, the logistics of such an endeavor, and the widespread consequences it would have on Americans' ability to trade, travel and even eat. The first question, whether Trump can close the border, is a simple one to answer: yes. "You can certainly stop entries coming across the border, whether its truck traffic or cars or pedestrians," said Gil Kerlikowske, former commissioner of U.S. Customs and Border Protection. "Logistically, that's possible. The gates are closed, and you say, 'Right now we're not taking entry.'" President Ronald Reagan temporarily closed ports of entry along the southern border in 1985 following the kidnapping and murder of a DEA agent in Mexico. "(Reagan) wanted answers from Mexico and wasn't getting them, so he shut the border down," Thomas Homan, Trump's former head of Immigration and Customs Enforcement, told Fox News on Thursday.

[Law360](#) [10/18/2018 6:11 PM, Tiffany Hu] reports that Trump blasted Mexico for allowing migrants from Guatemala, Honduras and El Salvador to cross into the U.S., saying that he would send troops to the U.S.-Mexico border and cease all financial aid to the countries if Mexico failed to take action. Many of these individuals were criminals, according to the president, who also blamed Democrats for "weak" immigration laws.

U.S., Mexico agree on plan to handle migrant caravan from Central America

[FOX News](#) [10/18/2018 8:49 PM, John Roberts, 11653K] reports that U.S. and Mexican officials have agreed on a plan to handle the approaching migrant caravan making their way

up from Central America, a senior administration official told Fox News on Thursday. Under the deal, which was developed over the course of several months, Mexico requested that the United Nations High Commissioner for Refugees establish shelters along its southern border with Central America, the official said.

[KPBS](#) [10/18/2018 8:29 PM, Jean Guerrero, 38K, CA] reports that as President Trump demands that Mexico stop the latest migrant caravan, human rights defenders are raising concerns about the legality and morality of a U.S.-Mexico collaboration to control the flow of immigrants and asylum seekers. The Mexican government receives tens of millions of U.S. dollars a year for law enforcement efforts, including border security. Mexico's federal police and military have been found complicit in a number of crimes against migrants, including a massacre of 193 migrants in 2011. [Editorial note: consult source link for interview with Mexico's Ambassador to the U.S., Gerónimo Gutiérrez regarding Mexico's efforts to control the flows of asylum-seekers]

What Is the 'Migrant Caravan' and Why Does Trump Care?

[New York Times](#) [10/18/2018 9:53 PM, Kirk Semple, 25617K] reports that a caravan of migrants, nearly all of them Hondurans, is making its way north through Guatemala toward Mexico and the United States. It is the latest, and certainly the largest, iteration of a phenomenon that has occurred from time to time: big groups of Central Americans joining together to face the challenges of migration, their numbers providing security against the criminals that stalk the route north. This one has drawn the ire of President Trump, who warned on Thursday that he would shut down the southwest border of the United States if Mexico did not halt the group. He also reiterated his threat that unless the governments of Guatemala, Honduras and El Salvador stopped the caravan's progress, he would suspend foreign aid to them.

Tom Homan: Democrats don't want to fix immigration loopholes

[FOX News](#) [10/18/2018 8:10 AM, Staff] reports that as a growing caravan of migrants travels through Central America to the U.S. border, former ICE acting director Tom Homan says Democrats are to blame for playing politics with border security. [Editorial note: consult source link for video]

Reported similarly: [The Daily Caller](#) [10/18/2018 12:57 PM, Nick Givas, 984K, DC]

Elizabeth Warren presses Trump administration on 'zero tolerance' policy, whether HHS misled Congress on migrant family separations

[MassLive](#) [10/18/2018 11:29 AM, Shannon Young, 180K, MA] reports that U.S. Sen. Elizabeth Warren, D-Massachusetts, called on the Trump administration this week to provide details on the implementation of its "zero tolerance" immigration policy, following a report suggesting that officials may have provided misleading or inaccurate information on how separated migrant families were being tracked. Warren, a vocal opponent of the White House's immigration approach, joined U.S. Sen. Ron Wyden, D-Oregon, in pressing U.S. Department of Health and Human Services Secretary Alex Azar for answers on when the agency launched its "central database" and another computer portal containing information on the location of parents and children separated under the "zero tolerance" policy.

Noting that a recent Department of Homeland Security Office of Inspector General report has raised questions about Azar's June testimony before the Senate Finance Committee -

particularly the existence of a separation database and accuracy of factsheets distributed following the policy's announcement – Warren and Wyden asked the secretary to address those concerns by Nov. 2.

Nearly 250 migrant children still separated from parents, ACLU report says

[Washington Post](#) [10/18/2018 4:52 PM, Arelis R. Hernández, 11614K] reports that nearly four months after a federal judge ordered the Trump administration to reunite families separated at the border, 245 children remain in government custody, according to a new analysis of government data by the American Civil Liberties Union. The parents of 175 of the children have been deported, the report says, and 125 of them so far have decided to remain in the United States and pursue asylum on their own. The ACLU sued the federal government over the separations, leading to an order from U.S. District Judge Dana M. Sabraw to reunite 2,654 children – including 103 aged four and younger – with their parents as soon as possible.

U.S. Told to Move on With Asylum Process for Detained Immigrants

[Bloomberg](#) [10/18/2018 2:41 PM, Edvard Pettersson] reports that the Trump administration was told to stop stalling and process asylum requests by immigrants detained as part of its "zero tolerance" policy. A federal judge in San Diego who oversees the litigation spawned by the U.S. crackdown on illegal immigration at the Mexican border on Thursday ordered the government to start implementing a settlement with lawyers for the immigrants and conduct so-called credible fear interviews with detainees who seek asylum. The Justice Department had argued it shouldn't be required to start implementing the settlement, which won preliminary approval by U.S. District Judge Dana Sabraw on Oct. 9, until the judge had given it a final sign-off. There are about 60 immigrants in detention who've indicated they want to apply for asylum, according to their lawyers.

U.S. Prisons Reaching Capacity Due To Growing Number Of Immigrants Jailed, Prison Bureau Warns

[Newsweek](#) [10/18/2018 11:36 AM, Chantal Da Silva, 2126K] reports that the U.S. Bureau of Prisons expressed fears that its low-security correctional facilities could run out of space for inmates due to a rise in convicted immigrants being jailed as part of the Trump administration's "zero tolerance" immigration policies. A redacted request from the bureau seeking to extend a contract with a private prison operator to run the Texas-based Giles W. Dalby Correctional Facility shines a light on the situation. The filing, which was likely submitted last month, asserts that the 32 low-security facilities the prison bureau operates are unable to take on more inmates due to the "overall population" being expected to "increase significantly" as a result of Attorney General Jeff Session's order that all immigrants caught illegally crossing the border face mandatory charges. While the filing does not specifically refer to the prosecution of immigrants, it asserts that its "overall population is anticipated to significantly increase because of the Attorney General's April 11, 2017 and May 10, 2017 guidance regarding the aggressive prosecution of certain crimes."

More scrutiny of legal immigrants using public assistance brings widespread fear

[San Antonio Express-News](#) [10/18/2018 2:10 PM, Jenny Deam, 39K, TX] reports that the Trump administration is moving forward in tightening a century-old policy designed to discourage poor immigrants from becoming a burden by using too many services, including those for income, health, housing and food. The new, so-called public charge rules, unveiled in draft form last month by the Department of Homeland Security, have unleashed

panic and confusion among immigrant communities across the nation — even among those the change will not touch. The rules are aimed at immigrants applying for green cards that grant permanent residency or seeking temporary visas for work or school, but they have generated so much fear that even immigrants unaffected by the change have stopped enrolling in assistance programs for which they are eligible or dropped off the rolls.

John Kelly and John Bolton Have Shouting Match Over Immigration

[New York Times](#) [10/18/2018 7:36 PM, Julie Hirschfeld Davis and Maggie Haberman] reports the White House chief of staff and the national security adviser got into a profanity-laced argument about immigration outside the Oval Office early Thursday morning, two people briefed on the altercation said, prompting the chief of staff to leave the White House complex and not return for the rest of the day. The blowup between John F. Kelly, Mr. Trump's chief of staff, and John R. Bolton, his national security adviser, was loud enough to be overheard by several officials in the West Wing. It erupted as the president — disappointed by new government data showing that his restrictive immigration policies have failed to discourage migrants from seeking entry into the United States — is grasping to resolve a problem that has bedeviled his administration. A third person described the episode as little more than a typical airing of differences between Mr. Bolton and Mr. Kelly, who has a temper. All three spoke on the condition of anonymity to describe an internal conversation.

The three people said Mr. Kelly and Mr. Bolton were sparring over an issue that has frequently angered the president and has often prompted him to lash out at Kirstjen Nielsen, who succeeded Mr. Kelly as the secretary of homeland security after serving as his deputy chief of staff in the White House. Mr. Bolton was siding with the president, who has angrily blamed Ms. Nielsen for failing to staunch the flow of migrants across the border, while Mr. Kelly, who is fiercely protective of his protégé, defended her, the people said. The two men also differed over how aggressively to push Central American countries to do more to discourage their citizens from seeking refuge in the United States. The shouting match exploded not long after Mr. Trump tweeted on Thursday morning that Democrats were leading an "assault on our country" by El Salvador, Guatemala and Honduras, a reference to a caravan of Central American migrants who are making their way north through Mexico with the goal of entering the United States. The president threatened to use the military to seal off the border, and hinted vaguely that he might sacrifice a new trade deal with Mexico and Canada to retaliate against Mexico for failing to "stop this onslaught."

Reported similarly:

[Politico](#) [10/18/2018 6:25 PM, Andrew Restuccia and Eliana Johnson]

[USA Today](#) [10/18/2018 1:16 AM, David Jackson and Christian Hayes, 8110K]

[NY] Deported by ICE, Threatened in Mexico, Trapped Without Asylum: One Father's Immigration Struggle

[Slate](#) [10/18/2018 10:42 AM, Jennifer Kang] reports a big crowd gathered at Bet Torah synagogue on Tuesday to rally support for a beloved member of their community, a longtime custodian who faces deportation back to Mexico. Armando Rojas crossed the border illegally 30 years ago when he was 18. A father of two sons who are U.S. citizens, Rojas has been working for Bet Torah, a conservative synagogue in Mount Kisco, New York, for 20 years. In February, Rojas was arrested when a fight broke out at Veracruz Restaurant in White Plains. Though he was not involved and was cleared of all criminal

charges, Rojas' name was passed on, along with those of others who were arrested at the bar, to the U.S. Immigration and Customs Enforcement, said Rabbi Aaron Brusso of Bet Torah synagogue. Weeks after the arrest, Rojas was sent back to Tijuana, Mexico, without a cellphone, ID, bankcard, or cash. After many efforts to bring him back to America, Rojas returned as a detainee within the U.S. system for seeking asylum and has been jailed in Albany since June. Though his first claim for asylum was rejected, Rojas and his family hopes that the next hearing will bring about a different outcome. Perhaps behind what makes it increasingly harder for asylum seekers like Rojas to be accepted is Attorney General Jeff Sessions' strict criteria for asylum. In June, Sessions ruled that people fleeing from fear of domestic abuse or gang violence do not qualify for asylum.

[PA] Immigrant children caught in city vs. federal government crossfire

[FOX 29 Philadelphia](#) [10/18/2018 9:08 PM, Staff, 67K, PA] reports that an Arizona-based company is planning to house 60 children who arrived alone at the U.S.-Mexico border. The company wants to hold them at a property in Logan but it's not going over well with city officials. Some city officials are flat out against the plan and say it doesn't comply with the rules the city has set up. Philadelphia City Councilwoman Helen Gym says she will fight any attempt by an Arizona-based youth services agency to house children caught up in the immigration crisis. Visionquest has a federal contract to take in 60 illegal immigrant boys ages 12 to 17-years-old to a facility on Old York Road in Logan.

[IL] When Immigration Status Puts Couple's Life 'At Pause'

[KGOU](#) [10/19/2018 4:49 AM, Kelly Moffitt, 3K, OK] reports that Irakere Picon grew up in Illinois, and in the summer of 2012, he applied for the Deferred Action for Childhood Arrivals program or DACA. Around the same time, he enrolled in Northern Illinois University College of Law in DeKalb, Ill. – and also met his future wife, Arianna Hermosillo. On their first date, he told her that he was undocumented. Picon is now an immigration lawyer, and his career, he says, heightens his awareness of his own status. "It's weird to be undocumented. It's weird to be in those offices with somebody else who also is in the same situation," he says. "You've mentioned to me that sometimes you're scared or you're sort of nervous when I go into immigration court or when I go to ICE?" "Because I imagine you going in there and talking smack and just kind of standing up for your clients, and I just imagine you saying the wrong thing," Hermosillo says. "When I went to my first ICE check-in with a client, it's on the fourth floor and it is just completely packed to the brim and you cannot walk around. It's very hot, it's almost suffocating. Sometimes I'm curious if they know about my status."

[TX] Study says family separations are causing a mental health crisis in the Rio Grande Valley

[The Texas Tribune](#) [10/19/2018 1:01 AM, Hannah Wiley, 131K, TX] reports that in a self-portrait that a 10-year-old girl pencil-sketched after her father was deported, her expression is solemn, eyes downcast and tears stream down her face. "What I felt when [they] took my dad was the worst," the girl wrote. "I felt like I was missing something, and that was part of my heart." Her testimony is one of dozens collected during a study on the impacts of stricter enforcement of U.S. immigration laws, which has led to what the authors are calling a mental health crisis in the Rio Grande Valley because of forced family separations. The study was released Wednesday by Human Impact Partners, a California-based research group, and the community organization La Unión del Pueblo Entero. Around 1,800 children in the Valley had a parent deported by Immigration and Customs Enforcement in 2017,

leading to what the study's authors say is increased levels of "toxic stress" in the community.

[AZ] A New Surge at the Border is Forcing Migrant Families Into Motel Rooms

[New York Times](#) [10/18/2018 6:38 PM, Miriam Jordan, 25617K] reports that hundreds of migrant families have been transferred to motels in Arizona in recent days after being processed at the Mexican border, an unusual response to a record-setting crush of new arrivals that is overwhelming migrant shelters and government detention facilities. Immigration and Customs Enforcement officers dropped off more than 140 migrants at a budget motel in southern Tucson on Tuesday and Wednesday, after coordinating with Catholic Community Services, a local organization that houses, feeds and clothes migrants who pass through the city on their way to final destinations elsewhere. Arizona became a major entry point in the 2000s after the California border was sealed to combat illegal entries. When authorities tightened the Arizona border as well, migrant traffic shifted to Texas. "It sounds like, now that huge resources were thrown at the Rio Grande Valley, migration could be moving back to Arizona," said Seth Stodder, a former assistant secretary of Homeland Security in the Obama administration who also served as policy director for Customs and Border Protection during the George W. Bush administration. The influx of families through Arizona became evident around the Columbus Day holiday, when ICE released some 700 people from custody.

Legal News

Trump administration seeks prompt immigration ruling

[Washington Post](#) [10/18/2018 7:36 PM, Sudhin Thanawala] reports the Trump administration said it will ask the U.S. Supreme Court to intervene if a federal appeals court does not rule soon on the administration's decision to end legal protections for hundreds of thousands of young immigrants. The U.S. Department of Justice wants the 9th U.S. Circuit Court of Appeals to rule on President Barack Obama's Deferred Action for Childhood Arrivals program, also known as DACA, by Oct. 31, or it will ask the Supreme Court to take up the case, the Justice Department said Wednesday in a letter to the 9th Circuit. A spokesman for the 9th Circuit, David Madden, said the letter would be sent to the three judges considering the case and it's up to them to decide when to issue a ruling. The case is likely to end up at the Supreme Court, but the Justice Department said in its letter it wants the high court to hear the case this term. DACA has protected some 700,000 people brought to the U.S. illegally as children or who came with families that overstayed visas. The Trump administration ended DACA in September 2017 and wants the 9th Circuit to overturn a district court judge's ruling in January that required the U.S. Department of Homeland Security to continue the program for existing enrollees. That ruling came in several lawsuits, including one filed by the state of California.

Additional reporting:

[Bloomberg](#) [10/18/2018 3:23 PM, Staff]

[U.S. News & World Report](#) [10/18/2018 7:33 PM, Associated Press]

Feds Issue Summons To Immigration Atty Over Leaked Doc

[Law360](#) [10/18/2018 5:36 PM, Kevin Penton] reports that the Trump administration this week sent a summons to an attorney who operates an immigration law blog to try to shake

out his source for an internal memorandum that the lawyer publicly posted in July. ICE wants Daniel Kowalski – the online editor of the LexisNexis Legal NewsRoom Immigration Law blog and editor-in-chief of Bender's Immigration Bulletin, also published by LexisNexis – to reveal who provided him with a copy of the memo, which instructs agency attorneys on how to litigate asylum petitions in the wake of a June decision by U.S. Attorney General Jeff Sessions related to the topic, according to the summons. Kowalski told Law360 on Thursday that he does not plan to name names. The summons instructs Kowalski to reach out to Special Agent Daniel Del Castillo of ICE's Office of Professional Responsibility at 9 a.m. on Oct. 30 with the source for the ICE memorandum, the source's contact information, and how and when Kowalski received the document, according to the summons. ICE declined to comment on the summons, said Sarah Rodriguez, a spokeswoman for the agency, on Thursday.

'I Will Resist': Facing Subpoena, Immigration Lawyer Who Published ICE Doc Defiant

[TPM](#) [10/18/2018 11:08 AM, Matt Shuham] reports that in July, immigration attorney Daniel Kowalski published an internal Immigration and Customs Enforcement memo online. Now, the Trump administration has subpoenaed Kowalski demanding "all information" about how he obtained it, including "contact information for the source of the document," the San Francisco Chronicle reported Wednesday. The subpoena came from ICE's Office of Professional Responsibility. Kowalski, who also edits the professional journal Bender's Immigration Bulletin, was defiant in his interview with the Chronicle. "If they bring an action to enforce this so-called summons in federal District Court, I will resist it," he told the paper. "I don't know why they think ... I would give up my source." The document Kowalski published relates to Attorney General Jeff Sessions' decision in June that the U.S. would, in general, not grant asylum to those fleeing their countries due to domestic or gang violence. The ACLU sued in response. Because Sessions, as attorney general, oversees the immigration court system, his decision impacted thousands of cases across the country. The document Kowalski leaked is a memo to ICE prosecutors about how to implement Sessions' decision. The American Immigration Lawyers Association posted a copy of the memo online. Omar Jadwat, director of the ACLU's Immigrants' Rights Project, told the Chronicle the administration's subpoena was "obviously inappropriate" and "should be withdrawn."

The [Denver Post](#) [10/18/2018 8:22 PM, Sam Tabachnik, 500K, CO] reports that the memo can still be found on the American Immigration Lawyers Association website. The subpoena, which was sent by ICE, demands that Kowalski give up "all information related to the memorandum," including the name of his source or sources, and their contact information. A regional ICE spokesman said he was unaware of the subpoena and declined comment.

Attorney General Sessions hails "aggressive campaign against leaks"

[Fox 13 Memphis](#) [10/18/2018 5:24 PM, Jamie Dupree, 104K, TN] reports that as a former FBI agent was sentenced to 4 years in prison Thursday in Minnesota for disclosing classified information to the news media, U.S. Attorney General Jeff Sessions hailed the latest court moves against leakers in the federal government, saying the Trump administration is waging what may be 'the most aggressive campaign against leaks' in the history of the Department of Justice. From press reports in recent days, it is obvious that more leak investigations are underway as well. The Trump administration has sent a subpoena to an immigration attorney, trying to find out how leaked an internal government

memo from Immigration and Customs Enforcement, on how asylum applications would be handled for domestic violence victims.

Judge Orders U.S. to Review Asylum for Separated Migrant Families

[U.S. News & World Report](#) [10/18/2018 4:30 PM, Reuters, Tom Hals, 3594K] reports that a federal judge ordered the U.S. government on Thursday to begin processing asylum claims for dozens of migrant parents and children that had been separated at the southern border under the Trump Administration's zero tolerance immigration policy. The order directs the government to begin the process of reviewing asylum claims for about 60 detained parents and children, even if their claims had previously been denied. Civil rights attorneys argued in court papers that the government was violating a September settlement agreement that had cleared the way for more than 1,000 immigrants separated by U.S. officials to have their asylum claims reconsidered. Department of Justice attorneys at the time promised the court the government would "get moving" on the agreement. U.S. Judge Dana Sabraw in San Diego rejected the government's argument that it did not have to begin reconsidering asylum until the settlement was approved by the court. A hearing on the fairness of the settlement is scheduled for Nov. 15.

The [San Diego Union-Tribune](#) [10/18/2018 1:20 PM, Kristina Davis, 320K, CA] reports that the settlement calls for immigration authorities to give the migrant families a second chance at applying for asylum.

What Is the Flores Agreement, and What Happens If the Trump Administration Withdraws from It?

[Just Security - NYU School of Law](#) [10/18/2018 2:10 PM, Nicholas Wu] reports if the Trump administration succeeds in ending a decades-old court decision governing the treatment of migrant children, it will be able to detain migrant children indefinitely before they receive immigration court hearings. This 1997 decision, *Flores v. Reno*, (now known as the "Flores agreement"), resulted in a court-supervised settlement that lays out a set of strict regulations for the detention of immigration children and it has governed their treatment up until now. The Trump administration's attempt to end the Flores agreement comes as it still holds about 350 separated children in federal custody who have yet to be reunified with their parents, and as Congress has failed to pass a legislative fix to the ongoing child separation crisis. The main issue of contention is the length of time for which children can be detained pending a hearing before an immigration court. By subsequent courts' interpretations of the Flores Agreement, the federal government is not permitted to detain children under the age of 18 for more than 20 days, and therefore they, along with their families, must be released at that time. The Ninth Circuit stipulated 20 days was a sufficient amount of time for the federal government to adjudicate families' asylum claims, after that, children had to be released. There was no specific rule that families had to be released together, but as a matter of practice, the federal government released the whole family after 20 days of detention rather than releasing children separately and keeping their parents in detention. In September, Department of Homeland Security (DHS) Secretary Kirstjen Nielsen said that withdrawing from the Flores Agreement was necessary to end one of the "primary pull factors for illegal immigration." DHS officials argue that the limited detention for minors permitted by the Flores Agreement creates an incentive for undocumented immigration — claiming it's easier for immigrants to just wait out the 20 days in detention and then flee into the U.S. without attending their immigration court hearing.

[NY] 3rd Circ. Says Restitution Measures Victims' Loss Under INA

[Law360](#) [10/18/2018 3:55 PM, Suzanne Monyak] reports that the Third Circuit on Wednesday refused to stop the deportation of a Dominican citizen and longtime U.S. resident, upholding an immigration judge's finding that the man's counterfeiting conviction counted as an aggravated felony under immigration law. In a non-precedential opinion, the panel held that the immigration judge was correct to classify Kelvin Ricardo Molina Morillo's 2015 conviction for possession of forged money orders as an aggravated felony under the Immigration and Nationality Act. Under a provision of that act, immigrants convicted of a crime involving "fraud or deceit" that results in a loss of over \$10,000 to victims are subject to removal. Molina, who entered the U.S. as a permanent resident in 1993 when he was six, was convicted in late 2015 of possession of a forged instrument and bribery under New York state law as well as possession of forged money orders under federal law, according to the opinion. He was placed in removal proceedings, and an immigration judge denied his bid to apply for a withholding of removal and protection under the Convention Against Torture, the opinion says. The case is Kelvin Molina Morillo v. Attorney General United States, case number 18-1839, in the U.S. Court of Appeals for the Third Circuit.

[TX] Judge drops bond hearing during accused serial murderer's first court appearance

[Laredo Morning Times](#) [10/18/2018 8:45 AM, Maria Salas, 63K, TX] reports that the Laredo Border Patrol agent accused of killing four Laredo women in September appeared in court for the first time Wednesday for a bond reduction hearing. Juan David Ortiz, 35, walked into the 111th District Court in an orange jumpsuit with his hands and feet shackled. Just 10 minutes into the hearing, Ortiz's attorney, Joey Tellez, told Judge Monica Notzon that he needed more time to prepare. Notzon will reset the hearing after Tellez amends his application seeking the bail reduction. Tellez told the court that he had asked the prosecution for copies of all mitigating evidence against his client, specifically the video of Ortiz's alleged confession to authorities on the day of his arrest. Notzon denied Tellez's request for the evidence, saying that the purpose of the hearing was to determine if Ortiz was illegally confined and restrained of his liberty. She also told Tellez she will not order the state to turn over any evidence. Ortiz remains behind bars at the Webb County Jail, held on a \$2.5 million bond. He is charged with four counts of murder, unlawful restraint and aggravated assault with a deadly weapon.

Enforcement News

Tens of thousands of deported parents have U.S. citizen kids, ICE data shows

[NM Politics](#) [10/18/2018 6:00 AM, Madeline Buiano, NM] reports as of July 2010, Congress began requiring U.S. Immigration and Customs Enforcement, or ICE, to ask people slated for deportation if they are parents of minor children who are U.S. citizens. Those questioned provide the information on a voluntary basis, and it is compiled into reports submitted twice a year to Congress. According to three recent years' worth of data reviewed by the Center for Public Integrity, ICE deported a total of 87,351 people between 2015 and the end of 2017 who claimed to have at least one U.S.- citizen child. In 2015, ICE counted 31,411 parents of minor citizen children deported. The number declined slightly to 28,860 in 2016. The number declined again to 27,080 in 2017. In the second half of 2017, a report shows, the number of deported people identifying themselves as parents of citizen children increased by 2,152 over the first half of 2017. ICE officials said there is no data available yet for 2018. Although ICE does issue reports containing estimates of deportees with criminal

records, there is no publicly available data to cross-reference to determine how many deported parents of citizen children have or don't have criminal records. New detainee data, however, does provide insight into how many potential deportees, generally, have criminal backgrounds.

ICE relying on jails and prisons to net illegal immigrants

[UPI](#) [10/18/2018 1:39 PM, Patrick Timmons, 303K, DC] reports that workplace raids and arrests of migrants at scheduled check-ins with Immigration and Customs Enforcement officers have sparked fear in immigrant communities around the United States. But most ICE arrests rely on a tactic developed during the Bush administration: pickups at local jails and state prisons. Those custodial arrests account for about two-thirds of the 143,000 undocumented immigrants ICE detained in 2017. According to data compiled by Syracuse University's Transactional Records Access Clearinghouse, the Trump administration has increased "interior arrests" of undocumented immigrants by about 40 percent. Sui Chung, a Miami immigration attorney who is vice chairwoman of the ICE National Liaison committee of the American Immigration Lawyers Association, said many of those detainees are picked up by local agencies for minor violations. "A lot of contact in the criminal universe is very minor things like driving without a license or traffic stops and that is resulting in a much more expeditious placing into removal proceedings," Chung said.

[RI] Community support grows for Cranston man facing deportation to Cambodia

[Uprise RI](#) [10/18/2018 1:55 PM, Staff, 1K, RI] reports that Sene Sem was born in a refugee camp and was resettled into the United States when he was a child. In September Sem was picked up by United States Immigration and Customs Enforcement and faces deportation to Cambodia, a country he left as a child when his parents fled the Khmer Rouge. He does not speak Khmer, and has no surviving family there. A large collection of social and immigration justice groups have signed onto a letter calling for Sem's release.

[NY] Abigail Hernandez, family testify at her deportation hearing

[WOKR 13](#) [10/18/2018 2:14 PM, Tanner Jubenville, 47K, NY] reports Abigail Hernandez went through several hours of testimony in federal immigration court Thursday morning in a hearing that will determine whether she will be deported to Mexico. Hernandez, 21, was arrested in February after police said she made a threat on Facebook to shoot students at East High School. Hernandez, who transferred out of the school to attend Edison Tech, was a special education student at the time. In June, Hernandez pleaded guilty to a misdemeanor charge of falsely reporting an incident – a lesser charge as compared to the original felony charges of making a terroristic threat. The immigration judge has not yet decided on Hernandez's status yet. Closing arguments in the case are scheduled to be heard on November 2.

Reported similarly:

[Rochester First](#) [10/18/2018 5:38 PM, Staff, 21K, NY]

[WHEC TV-10](#) [10/18/2018 12:10 PM, Staff, 43K, NY]

[NY] ICE detains two men in Hudson

[Hudson Valley 360](#) [10/18/2018 5:58 PM, Amanda Purcell, NY] reports two men were detained by Immigration and Customs Enforcement in a raid in Hudson on Thursday, according to officials. Deportation officers from ICE's Enforcement and Removal Operations conducted what the agency is calling a "targeted enforcement action," and arrested two

men in the city, ICE spokesman Khaalid H. Walls said. "The men, both Guatemalan nationals, who are between the ages of 21 and 25, currently face administrative immigration violations for being in the U.S. unlawfully," Walls said. "The arrests occurred without incident near an area residence." ICE would not identify the men or disclose the address that was targeted. "For privacy reasons, we don't release names of individuals facing immigration violations," Walls said. One man is being held in the Albany County Correctional Facility and the other was released with electronic monitoring "for humanitarian reasons," Walls said. The second man was freed on humanitarian release because he was the sole care provider of a minor, Walls said. "Both men still face removal proceedings," Walls said.

[MD] Immigration agents arrest Mexican national on sex charges

[Washington Post](#) [10/18/2018 5:34 PM, Associated Press] reports that federal immigration agents say a Mexican national who was in the U.S. illegally has been arrested on multiple state charges of rape and sexual assault. U.S. Immigration and Customs Enforcement said in a news release Thursday an enforcement and removal team located Alfredo Carreon-Lopez at a Forsyth County business. The agency said Carreon is suspected to have fled the Baltimore area after a Maryland state arrest warrant was issued on charges of first-degree rape, second-degree rape, sexual abuse of a minor, first and second-degree assault, and multiple additional sexual offense charges. Carreon, who was arrested last Friday, is jailed in Mecklenburg County to await extradition back to Maryland.

[NC] Charlotte deportation officers arrest fugitive in Forsyth County

[WSOC-TV](#) [10/19/2018 5:31 AM, Staff, 63K, NC] reports that Charlotte deportation officers located and arrested a fugitive living in the country illegally Thursday in Forsyth County, U.S. Immigration and Customs Enforcement officials said in a news release. Alfredo Carreon-Lopez of Maryland was wanted on multiple state charges of rape and sexual assault. Carreon is suspected to have fled the Baltimore area after officials in Maryland issued a warrant against him on charges including first- and second-degree rape, sexual abuse of a minor, first- and second-degree assault and multiple additional sexual offense charges. ICE contacted the Mecklenburg County Sheriff's Office and booked Carreon into the Mecklenburg County Detention Center where he is awaiting extradition back to Maryland, officials said. "This case is an excellent example of ICE's ongoing focus to prioritize its immigration enforcement efforts toward unlawfully present foreign nationals who pose a threat to public safety," ICE Enforcement and Removal Operations Atlanta Field Office Director Sean Gallagher said in the news release. "Despite attempts by some to confuse the public, ICE does not conduct any type of random or indiscriminate enforcement and the agency's targeted enforcement efforts make communities safer for all persons whatever their immigration status may be."

[LA] Mexican national pleads guilty to transporting 9 illegal aliens

[KATC](#) [10/18/2018 1:30 PM, Melissa Canone, LA] reports that a Mexican national pleaded guilty last week to transporting nine illegal aliens in Calcasieu Parish, according to United States Attorney David C. Joseph. Felix Manuel Juarez-Peralta, 28, of Mexico, pleaded guilty Friday before U.S. Magistrate Judge Kathleen Kay to one count of illegal alien transportation. According to the guilty plea, law enforcement officers conducted a traffic stop on a vehicle June 7, 2018, traveling west on Interstate 10 in Sulphur. Officers found Juarez-Peralta and nine illegal aliens in a Toyota 4Runner. One of the passengers was an unaccompanied minor. After questioning the defendant, Juarez-Peralta admitted that he

knew the passengers were illegal aliens and that he had been paid to transport them. One of the illegal aliens traveling in the vehicle was charged with illegal re-entry. Jonathan Flores-Hernandez, 22, of Mexico, pleaded guilty on Monday before U.S. District Judge S. Maurice Hicks Jr. to one count of re-entry of a removed alien and was sentenced to time served. He was previously arrested on April 30, 2018, near Rio Grande, Texas, and was deported to Mexico via the Hidalgo, Texas, port of entry on May 3, 2018. Homeland Security Investigations, U.S. Border Patrol and Calcasieu Combined Anti-Drug Team conducted the investigation. Assistant U.S. Attorney David J. Ayo prosecuted the case.

Reported similarly: [KPLC](#) [10/18/2018 1:37 PM, Patrick Deaville, LA]

[LA] ICE's most wanted fugitive captured in Louisiana

[FOX News](#) [10/19/2018 1:16 AM, Bradford Betz, 11653K] reports that a Mexican national and convicted child sex offender was arrested Wednesday morning at his Louisiana home by a division of the U.S. Immigration and Customs Enforcement agency, a Department of Justice press release said. Jose Melchor Martinez, 48, was arrested in his Church Point home by an Enforcement and Removal Operations team, which is a component of ICE. He is one of ICE's most wanted fugitives, according to the release. Martinez was convicted on a felony charge of "taking indecent liberties with a child" in North Carolina in November 2002, according to an ICE press release.

[KADN](#) [10/18/2018 11:08 AM, Staff, LA] reports that according to the criminal complaint filed on October 12, 2018, Martinez illegally re-entered the United States after being deported on September 6, 2003, and had not received permission from the U.S. Attorney General or the Secretary of the Department of Homeland Security to re-enter. According to U.S. Immigrations and Customs Enforcement, Martinez is considered to be one of their most wanted fugitives. The defendant faces up to 20 years in prison, a \$250,000 fine, and up to three years of supervised release if convicted. The case was investigated by ICE's Enforcement and Removal Operations.

[IA] Illegal alien who lived in Iowa and used another person's social security number sentenced to prison

[North Iowa News](#) [10/18/2018 11:21 AM, Staff, 1K, IA] reports that a woman who used another person's Social Security number to get a job in Iowa was sentenced this week to almost two months in federal prison. Glenda Alvarado, age 30, a citizen of El Salvador illegally present in the United States and living in Waterloo, Iowa, received the prison term after a September 4, 2018, guilty plea to one count of misuse of a social security number. Alvarado is being held in the United States Marshal's custody until she can be turned over to immigration officials.

[TX] Man convicted of attempting to assault nurse in detention center

[Brownsville Herald](#) [10/18/2018 9:50 AM, Mark Reagan, 5K, TX] reports that officials at the Port Isabel Detention Center were forcing a Honduran asylum seeker convicted of attempting to assault a nurse to take tuberculosis medicine when he did not have the disease, a court hearing revealed. Nelson Ortiz-Pena, 37, pleaded guilty Wednesday afternoon to misdemeanor assault for lunging at a nurse on Sept. 20 while trying to strike the man with a closed fist. Ortiz-Pena was initially charged with forcibly assaulting a contract employee of Immigration and Customs Enforcement who was engaged in the performance of official duties, a felony. However, Ortiz-Pena and the United States Attorney's Office, Southern District of Texas, reached a plea deal to downgrade the charge.

U.S. Magistrate Judge Ronald Morgan sentenced the man to 75 days in jail. During the Wednesday hearing, federal public defender Sandra Zayas asked for leniency, telling Morgan that Ortiz-Pena, who went on a hunger strike after losing his asylum claim, was upset that medical staff at the Port Isabel Detention Center were medicating him for tuberculosis even though he told staff he didn't have the disease. While in the detention center, a medical evaluation indicated he had the disease, Zayas said during the hearing. After losing his asylum claim, no dates for that hearing were provided during Ortiz-Pena's Wednesday court appearance, authorities in the detention center put him in solitary confinement and placed a straight jacket on him, the federal public defender said. On Sept. 9, further medical exams confirmed he did not have tuberculosis, Zayas said. "That same day they told him they were going to put him in solitary and strap him back up," Zayas said.

[TX] 50 Migrants Arrested in South Texas Smuggling Attempts

[Breitbart](#) [10/18/2018 10:37 AM, Bob Price, 2213K] reports Border Patrol agents in the Laredo Sector disrupted three human smuggling attempts leading to the arrests of more than 50 migrants. The incidents occurred during a traffic stop and two immigration inspections at a checkpoint. Laredo Sector agents received a call for assistance from a local law enforcement agency shortly after midnight on October 16. A Webb County Sheriff's Office deputy made a traffic stop on Highway 59 near Laredo, Texas, and discovered what he believed to be a load of migrants being smuggled in a vehicle, according to Laredo Sector Border Patrol officials. The agents responded and found the deputy with 10 migrants. An interview determined that all 10 were illegally present in the United States. The agents search the area near the vehicle and found two more hiding in the brush. The dozen arrested migrants included four Unaccompanied Alien Children. Later that afternoon, agents assigned to the Interstate Highway 35 Checkpoint observed a pickup truck approaching for inspection. During the initial interview, a K-9 agent alerted to the possible presence of drugs or human cargo in the truck. The agent referred the driver to a secondary inspection station where a search of the truck uncovered four migrants. The agents found two of the migrants hiding behind the back seat of the truck while the other two were in a locked toolbox in the bed of the truck.

[TX] County officials investigating inmate death at private jail

[Waco Tribune Herald](#) [10/18/2018 5:42 PM, Tommy Witherspoon, 19K, TX] reports that the McLennan County Sheriff's Office is investigating the death of an inmate at the Jack Harwell Detention Center, a privately operated jail owned by McLennan County. Sheriff Parnell McNamara said the 53-year-old inmate died Friday night from what appears to be natural cause. While no administrators from LaSalle Corrections, which operates the jail, returned phone messages Wednesday, a spokesman for the U.S. Marshals Service identified the inmate as Lorenzo Ochoa-Figueroa, of Zacatecas, Mexico. The spokesman said Ochoa-Figueroa was being held on a U.S. Immigration and Customs Enforcement detainer for illegal entry into the U.S. LaSalle Corrections contracts with the federal government to house its prisoners.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

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Monday, Oct. 22, 2018

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Executive Office for Immigration Review

The Trump administration's crazy losing streak in the courts: No, Jeff Sessions, it's not about the judges

[Washington Post](#) [10/19/2018 8:22 AM, Fred Barbash, 11614K] reports litigation is like everything else in life, including sports and, perhaps, dating. You win some and you lose some. You can blame the refs or the date or the judge if things go bad a few times. If losing lawsuits becomes a pattern, especially when you're the government, which is supposed to win, you have to start wondering: Is it you? The Trump administration is on a staggering litigation losing streak, with restraining orders littering the legal battlefield from coast to coast. To be sure, some of these fights are not over. Most of the rulings have found plausible cases of constitutional or statutory violations, with trials and possible appeals yet to come. But getting that far against the government used to be a big hurdle. Now, not so much. And in many instances, it's not just one judge ruling on one issue. It's a pile-on, in which multiple judges arrive at the same conclusion about the same issue. Meanwhile, Attorney General Jeff Sessions is blaming the judges. In a speech to the conservative Heritage Foundation on Monday, Sessions bemoaned the losses but attributed them to rampant "Judicial activism," and judges who have forgotten about "The rule of law" and the "guardrails" that limit them. Their activism, he said, "is a threat to our freedom and the Democratic process."

Consider the litigation over the sanctuary cities crackdown, a favorite of Sessions. Acting under a Trump executive order, Sessions has determined that the government will withhold funds from jurisdictions that are in his view insufficiently cooperative in handing over information about undocumented immigrants they encounter in law enforcement. Sessions was backed up by Thomas Homan, then the acting director of Immigration and Customs Enforcement, who went on Fox News in January and threatened to start "charging some of these politicians with crimes" for failing to cooperate with his agency. He was also supported by the president, who that same month accused California of protecting "horrible criminals" with its sanctuary policies, and said he was contemplating pulling ICE agents out of the state, saying California would then become a "crime nest." They then sent government lawyers into court when the state of California, the city of San Francisco and other jurisdictions sued.

Policy and Legislative News

A ragged, growing army of migrants resumes march toward U.S.

[Washington Post](#) [10/21/2018 7:29 PM, AP, Mark Stevenson] reports that a ragged army of Honduran migrants streamed through southern Mexico on Sunday heading toward the United States, after making an end-run around Mexican agents who briefly blocked them at the Guatemalan border. They received help at every turn from sympathetic Mexicans who offered food, water and clothing. Hundreds of locals driving pickups, vans and cargo trucks stopped to let them clamber aboard. In dozens of interviews of those on the journey, they have said they are fleeing widespread violence, poverty and corruption in Honduras. After praising Mexico for its no-nonsense response when police at a southern border bridge

pushed the migrants back with riot shields and pepper spray, U.S. President Donald Trump again hammered Democratic Party opponents over what he apparently sees as a winning issue for Republicans a little over two weeks ahead of midterm elections. After blaming the Democrats for "weak laws" on immigration a few days earlier, Trump said via Twitter: "The Caravans are a disgrace to the Democrat party. Change the immigration laws NOW!" "Full efforts are being made to stop the onslaught of illegal aliens from crossing our Southern (sic) Border," he said in another tweet. "People have to apply for asylum in Mexico first, and if they fail to do that, the U.S. will turn them away. The courts are asking the U.S. to do things that are not doable!"

Hundreds of migrants from the caravan did just that — applied for refugee status in Mexico in the southern city of Ciudad Hidalgo. But a far bigger group forded the Suchiate River from Guatemala to the Mexican side individually and dozens at a time, and resumed the trek at first light, marching 10 abreast on the highway. The throng grew even larger than when the migrants arrived at the border bridge Friday, swelling overnight to 5,000 or so. It was not immediately clear where the additional travelers came from since about 2,000 had been gathered on the Mexican side Saturday night. But people have been joining and leaving the caravan daily, some moving at their own pace and strung out in a series of columns.

The [Washington Post](#) [10/19/2018 7:17 PM, David Nakamura, Josh Dawsey and Nick Miroff] also reports that the Trump administration's struggles to curtail illegal immigration have exposed a deep rift among the president and his top advisers, one that could lead to changes in the Cabinet and undermine the government's response to a record surge of migrant families at the southern border. Trump's escalating frustration has led him to excoriate aides for not taking more aggressive actions and to offer his own ideas, officials said. He has ruminated this week over the possibility of sending more soldiers to the border, even though thousands of National Guard troops have been deployed there since April with no evidence of a deterrent effect.

In the summer, the president was so upset by the border numbers that he proposed sealing the entire 1,954-mile U.S.-Mexico border, including shuttering legal ports of entry, blocking trade flows and halting tourism and travel, according to the senior administration officials, who spoke on the condition of anonymity to discuss sensitive internal deliberations. "Close the whole thing!" Trump demanded at one point during an Oval Office meeting, the officials said. He was talked out of it by advisers who highlighted the effect such a measure would have on more than \$600 billion in U.S.-Mexico annual trade, as well as the potential damage to bilateral relations, according to the officials. The worsening immigration numbers are particularly fraught for Trump, who centered much of his 2016 campaign around incendiary vows to build a border wall — which has not been built — and has begun focusing on immigrants as a dire threat in the final weeks before the Nov. 6 midterms. Experts said the White House is straining under the same political dilemma that past administrations encountered in trying to manage the massive U.S. immigration system despite Congress's inability to strike a comprehensive legislative reform package. "The tension between the White House and the Department of Homeland Security reminds me of when people tried to characterize stopping illegal immigration as a willingness problem — and accused the Obama administration of not wanting to stop it," said John Sandweg, who served as a high-ranking DHS official under President Barack Obama. White House officials have sought to play down the tensions. After news broke Thursday about a squabble just outside the Oval Office between Kelly and national security adviser John Bolton over the performance of Homeland Security Secretary Kirstjen Nielsen, press secretary Sarah Sanders issued a

statement saying Bolton and Nielsen had patched things up.

The [Washington Post](#) [10/19/2018 5:13 PM, Kevin Sieff, 11653K] reports additionally that Secretary of State Mike Pompeo met with top officials in Mexico, hoping to avert the caravan before it reaches the United States. "We are quickly reaching a point which appears to be a moment of crisis" with the flow of Central American migrants, Pompeo said in a joint appearance with Mexico's foreign minister, Luis Videgaray. Mexican authorities, in search of a way both to satisfy President Trump's demand that they deter the migrants and to avoid violating international law, have asked the United Nations to set up a migrant processing center near their southern border. Pompeo said in a statement that he welcomed that plan.

The [Wall Street Journal](#) [10/20/2018 6:09 PM, Juan Montes and Jose de Cordoba] reports that hundreds of Honduran migrants stranded at this border crossing with Mexico began to return home on Saturday, while others sought to cross the muddy river that divides the countries in a desperate attempt to continue their march north. Hundreds spent the night on the international bridge over the Suchiate river as Mexican authorities restricted entry of asylum seekers, giving priority to women with children. Mexico's Interior Ministry said Saturday that 640 migrants seeking asylum have been allowed in, including 104 children. Local and federal authorities from Mexico and Guatemala are providing food and medical assistance to the stranded migrants. On Saturday, hundreds of the migrants who crossed the river into Mexico voted in a show of hands to re-form their caravan and continue their march northward. Honduran President Juan Orlando Hernandez said some 1,900 Hondurans had already returned home. The migrants will be offered "a package of opportunities" to improve their lives, Mr. Hernandez said at a press conference in Guatemala City, though he didn't offer details.

[NPR](#) [10/19/2018 3:55 PM, Noor Wazwaz] reports a growing crowd of Central American migrants in southern Mexico resumed its advance toward the U.S. border on Sunday. The advances have overwhelmed Mexican officials' attempts to stop them at the border. The Associated Press reports that the number of migrants swelled to about 5,000 overnight.

[TIME](#) [10/21/2018 4:59 PM, Alejandro de la Garza, 3468K] reports that President Trump called out the Democratic Party in relation to the migrant caravan making its way through Central America on Twitter on Sunday. "The Caravans are a disgrace to the Democrat Party. Change the immigration laws NOW!" the President tweeted. The President seemed to draw a connection between the Democratic Party and the group of an estimated 5,000 migrants in terms of immigration policy. The GOP currently controls the presidency and both houses of Congress. The caravan of mostly Hondurans had been making its way through Guatemala, crossing over into Mexico last night, heading for the United States.

Additional reporting:

[New York Times](#) [10/22/2018 3:00 AM, Staff]

[New York Times](#) [10/20/2018 7:36 PM, Maya Averbuch and Kirk Semple]

[Washington Blade](#) [10/21/2018 12:35 PM, Michael K. Lavers]

[Washington Post](#) [10/20/2018 6:40 PM, Kevin Sieff]

[Washington Post](#) [10/19/2018 11:06 PM, Anne Gearan and Jeremy Duda]

[Washington Post](#) [10/19/2018 10:00 AM, Sonia Perez D. and Mark Stevenson]

[Washington Post](#) [10/21/2018 4:43 PM, Associated Press]

[Washington Post](#) [10/21/2018 10:20 AM, Associated Press]

[New York Times](#) [10/20/2018 5:50 PM, Maya Averbuch and Kirk Semple]
[Los Angeles Times](#) [10/20/2018 8:05 PM, Kate Linthicum and Patrick J. McDonnell]
[Wall Street Journal](#) [10/19/2018 7:34 PM, Juan Montes]
[ABC News](#) [10/20/2018 9:50 PM, Mark Stevenson and Sonia Perez D.]
[CNN](#) [10/21/2018 3:43 PM, Dakin Andone, Patrick Oppmann and Natalie Gallon]
[CNN](#) [10/20/2018 8:13 PM, Ray Sanchez, Bill Weir and Michelle Mendoza]
[CNN](#) [10/20/2018 8:10 PM, Bill Weir, C.E. Shoichet, Ralph Ellis and Michelle Mendoza]
[CNN](#) [10/20/2018 8:13 PM, Ray Sanchez, Bill Weir and Michelle Mendoza]
[FOX News](#) [10/21/2018 9:53 AM, William La Jeunesse, 10787K]
[FOX News](#) [10/20/2018 9:35 AM, Associated Press]
[NBC News](#) [10/20/2018 2:43 AM, Natalie Valdés, et al.]
[USA Today](#) [10/19/2018 8:54 PM, David Agren]
[The Hill](#) [10/21/2018 6:36 PM, Michael Burke]
[The Hill](#) [10/19/2018 3:30 PM, Sara Ramey]
[The Hill](#) [10/19/2018 5:22 PM, Joe Concha]
[Huffington Global](#) [10/20/2018 3:45 AM, Staff]
[Breitbart](#) [10/20/2018 6:38 PM, Staff, 2405K]
[Breitbart](#) [10/19/2018 10:58 PM, Charlie Spiering, 2405K]
[Newsweek](#) [10/19/2018 9:38 AM, Chantal Da Silva, 1720K]
[Axios](#) [10/19/2018 5:50 PM, Stef W. Kight]
[New York Daily News](#) [10/21/2018 5:35 PM, Kate Feldman, NY]
[New York Post](#) [10/20/2018 11:53 AM, Eileen AJ Connelly, 3705K, NY]
[The New Yorker](#) [10/19/2018 6:31 PM, Jonathan Blitzer, 2055K, NY]
[The Daily Caller](#) [10/19/2018 2:27 PM, Will Racke, 909K, DC]
[The Daily Caller](#) [10/19/2018 4:05 PM, Will Racke, 909K, DC]
[Washington Times](#) [10/21/2018 1:30 PM, Mark Stevenson and Sonia Perez D., DC]
[Dallas Morning News](#) [10/19/2018 6:23 PM, Alfredo Corchado, 661K, TX]
[WOAI](#) [10/19/2018 6:39 AM, Jim Forsyth, 3K, TX]
[WOAI News](#) [10/20/2018 4:24 PM, David Caltabiano, 35K, TX]
[SperoNews](#) [10/19/2018 5:05 PM, Martin Barillas, 2K, TX]
[The Telegraph](#) [10/20/2018 1:57 AM, Harriet Alexander, UK]
[Agence France Presse](#) [10/20/2018 9:44 AM, Jennifer Gonzalez Covarrubias, France]

DHS to 'closely monitor' caravan of migrants headed for U.S. border

[The Hill](#) [10/21/2018 12:29 PM, Brett Samuels] reports that Department of Homeland Security Secretary Kirstjen Nielsen said Sunday that the agency is focused on rooting out potential criminal gang members who may seek to exploit a so-called "caravan" of Central American migrants seeking asylum in the U.S. "While we closely monitor the caravan crisis, we must remain mindful of the transnational criminal organizations and other criminals that prey on the vulnerabilities of those undertaking the irregular migration journey," Nielsen said in a statement. "We shall work with our partners in the region to investigate and prosecute to the fullest extent of the law all who seek to encourage and profit from irregular migration," she continued. "We fully support the efforts of Guatemala, Honduras and Mexico, as they seek to address this critical situation and ensure a safer and more secure region."

[ABC News](#) [10/20/2018 6:40 PM, Anthony Rivas, 2704K] reports that Nielsen tweeted that DHS would continue "to support our Mexican partners as they take steps to confront the crisis on their southern border. The Mexican federal police are handling this in a professional and humane manner." She added in a subsequent tweet that she has been in "constant contact" with her foreign counterparts in Mexico, Guatemala and Honduras, and

that her department was monitoring the situation and ready to provide assistance if necessary.

Trump: 'Full Efforts' Being Made to Stop Honduran Migrant Caravan

[VOA News](#) [10/21/2018 6:45 PM, Staff, 1028K, DC] reports that President Donald Trump says "full efforts" are being made to stop the caravan of Honduran migrants currently in Mexico from crossing into the U.S. "People have to apply for asylum in Mexico first and if they fail to do that, the U.S. will turn them away," Trump tweeted, adding that "courts are asking the U.S. to do things that are not doable!" "The Caravans are a disgrace to the Democrat Party. Change the immigration laws NOW!" he demanded. Trump and the Republicans have made immigration a major issue in next month's congressional elections. They accuse Democrats of favoring open borders that let criminals and drugs flow into the U.S. The U.S. Department of Homeland Security is monitoring the caravan. It warns of the threat of criminal activity against those traveling through Mexico. "While we closely monitor the caravan crisis, we must remain mindful of the transnational criminal organizations and other criminals that prey on the vulnerabilities of those undertaking the irregular migration journey," Homeland Security Secretary Kirstjen Nielsen said in a statement Sunday, adding that the U.S. will work with partners in the region "to investigate and prosecute to the fullest extent of the law all who seek to encourage and profit from irregular migration."

Reported similarly:

[Townhall](#) [10/22/2018 6:00 AM, Leah Barkoukis]

[Washington Examiner](#) [10/21/2018 4:10 PM, Sean Higgins, DC]

As Border Restrictions Tighten, Some Experts See Migrant Caravans Growing In Size

[NPR](#) [10/20/2018 7:24 PM, Shannon Van Sant] reports that Guatemala's president says 2,000 migrants have returned to Honduras following a tense standoff on Friday between the mass caravan they had been traveling in and officers on Mexico's border with Guatemala. The president of Honduras said another 486 members of the convoy were also en route back to Honduras, according to Reuters. The migrants were part of a group of thousands that attempted to cross a border bridge over the Suchiate River along the border between Guatemala and Mexico. Many of the migrants had given up waiting on the bridge, and trekked across the water using ropes and rafts. Violent clashes erupted on Friday when thousands rushed across the bridge, and were met by Mexican police officers armed with riot gear and pepper spray. Mexico has said it will allow only migrants carrying valid passports and visas to enter. On Saturday, officials there began accepting small groups for asylum processing and granting some 45-day visitor permits, according to the Associated Press. An estimated 4,000 people made up the group waiting to cross into Mexico this week — a reflection of what Elizabeth Oglesby, a professor at the University of Arizona's Center for Latin American Studies, described as the growing size of migrant caravans.

UNHCR: People Seeking Asylum Have Legal Right to Enter US

[VOA](#) [10/21/2018 8:09 AM, Lisa Schlein, DC] reports the UN refugee agency indicates Washington is on shaky legal ground in barring Central American asylum seekers from entering the United States. The UNHCR reports people fleeing persecution and violence have a right to international protection. The UN refugee agency does not question the sovereign right of any nation to control its borders. But, it does say international law governs the way countries must behave toward refugees and asylum seekers. The UNHCR says it recognizes the arrival of thousands of Honduran migrants in the caravan at the U.S. borders

will be overwhelming. But, Spokesman Charlie Yaxlie says closing the border to the caravan is not a solution and will likely cause harm to those who have a legitimate fear for their lives. "We wish to reiterate and underline that any individuals within that group that are fleeing persecution and violence, they need to be given access to territory and they need to be allowed to exercise their fundamental human rights to seek asylum and have access to refugee status determination procedures," he said.

Trump lacks legal authority to send military to U.S.-Mexico border

[CBS News](#) [10/19/2018 11:14 AM, Staff] reports that at a rally in Missoula, Montana, President Trump accused Democrats – without any evidence – of supporting a caravan of about 3,000 Central American migrants heading for the U.S. border and said the upcoming midterm vote will be "an election of the caravan." "They wanted that caravan and there are those that say that caravan didn't just happen," Mr. Trump said. "They also figure everybody coming in is going to vote Democrat." He also threatened to mobilize the U.S. military and shut down the southern border to stop those migrants from entering the U.S., reports CBS News correspondent Chip Reid. That promise won't be possible without first declaring a national emergency and getting a congressional waiver. In April, the president did deploy the National Guard to assist at the border, a move previously done by both President George W. Bush and President Barack Obama. The president's chief of staff, John Kelly, and National Security Adviser John Bolton reportedly had a heated exchange over immigration Thursday at the White House. Press Secretary Sarah Sanders issued a statement saying "while we are passionate about solving the issue of illegal immigration, we are not angry at one another."

The Latest: Mexico's AMLO eyes development to fix migration

[Washington Post](#) [10/21/2018 6:37 PM, Associated Press] reports Mexico's president-elect says he is suggesting to U.S. President Donald Trump that the United States, Canada and Mexico jointly tackle migration by agreeing to invest in development. Andres Manuel Lopez Obrador says the countries ought to reach a deal to invest in Central America and southern Mexico, which are home to some of the region's poorest areas. Lopez Obrador made the comment Sunday as thousands of Honduran migrants streamed through southern Mexico hoping to reach the United States. In the president-elect's words: "He who leaves his town does not leave for pleasure but out of necessity." Lopez Obrador also reiterated promises of jobs in Mexico for Central American migrants fleeing poverty and violence.

Trump hints at plan to fix 'both sides' of migrant caravan crisis

[Washington Times](#) [10/20/2018 4:40 PM, S.A. Miller, DC] reports that President Trump said Saturday that he had a plan to fix the immigration and humanitarian crisis on display in the migrant caravan headed for the U.S., but said he's keeping it under wraps until after the election. Mr. Trump pointed to the thousands of Central American migrants in the caravan that on Friday swarmed onto the bridge between Guatemala and Mexico. "Is that an incredibly situation? It is sad. It is sad, honestly, it is sad from both sides. It is sad from their side also," Mr. Trump said at a campaign rally in Elko, Nevada. The crowd that stormed the bridge trying to enter Mexico en route to the U.S. included children and women, some carrying babies. They are part of a caravan of about 4,000 migrants who say they are fleeing poverty and violence at home and seeking refuge in the U.S. Mr. Trump said he had a plan that would make a lot of people happy. "We're going to figure it out. I'll be honest with you, I've already figured it out. You're going to be happy. We're going to make a lot of people happy," said Mr. Trump. He then added, "Think I'll keep it a little bit low key until the

election. I like where we stand in the election. You know, I think that blue wave is being rapidly shattered." Mr. Trump did not hint at how his plan would cause political waves. He also did not back off his tough stance on border security, illegal immigration and reforms to legal immigration.

Trump's Plans to Deter Migrants Could Mean New 'Voluntary' Family Separations

[New York Times](#) [10/22/2018 3:00 AM, Miriam Jordan, Caitlin Dickerson and Michael D. Shear] reports facing a surge in migrant families entering the United States and with the midterm elections two weeks away, the Trump administration is weighing an array of new policies that it hopes will deter Central Americans from journeying north. Each of the policies, which range from a new form of the widely criticized practice of family separation to stricter requirements on asylum, would face significant legal and logistical challenges. But the White House is applying strong pressure on federal immigration authorities to come up with a solution to secure the southwest border. The Border Patrol apprehended 16,658 people in family units in September — a record figure, according to unpublished government data obtained by The New York Times. The total number of families that entered the country in the 2018 fiscal year, which ended Sept. 30, exceeded 100,000 for the first time in recent history. The surge is occurring even as the total number of border crossings, including individual adults and children traveling alone, remains well below the numbers seen in the late 1990s and early 2000s. President Trump's frustration was aroused again this week with the news that a caravan of 4,000 Guatemalan asylum seekers was headed toward the United States. He threatened on Twitter to call up the military and close the southern border if Mexico failed to halt the "onslaught" of migrants.

A series of intense closed-door meetings among officials from the Department of Homeland Security, the Justice Department, the White House and the State Department began not long after a public outcry forced President Trump in June to stop separating migrant families in detention, often hundreds or thousands of miles apart, as a deterrent. The architects of the family separation approach have been hard at work on alternatives, according to people briefed on the group's efforts. Their goal is to announce a plan before the November elections that can withstand the legal challenges that crippled the administration's previous attempts. The group's charge from the White House is simple and explicit: Replace what the administration describes as "catch and release," the practice of releasing immigrants from detention while they wait for court hearings. Any new policy the administration adopts must navigate the complex terrain of federal law and court consent decrees that constrain the conditions of migrant detention. First convened in 2017 to carry out the president's campaign promises, the immigration working group consists of 20 to 30 officials. Mr. Trump has discussed the group's work on regular calls with Kirstjen Nielsen, the Homeland Security secretary, several times each week. As early as July, shortly after the family separation policy was rescinded, the working group had already zeroed in on several ideas.

Trump's stance on migrant caravan could increase illegal immigration

[CNN](#) [10/21/2018 8:08 PM, Samantha Vinograd] reports that while we monitor the progress of the latest caravan of migrants from Honduras, we assess that cutting off U.S. foreign assistance to Northern Triangle countries could actually increase illegal immigration. For example, 30% of Hondurans currently live in poverty, and violent crime and gang violence are rampant. Withdrawing U.S. dollars that are being used to promote economic development and the rule of law could shatter any hopes of sustainably bringing Hondurans

out of poverty or mitigating violence. This could motivate more Hondurans to make the dangerous journey north in search of a safer, more secure environment.

Pompeo: America is reaching 'moment of crisis' on immigration

[Politico](#) [10/19/2018 1:15 PM, Mary Lee] reports that Secretary of State Mike Pompeo reinforced President Donald Trump's immigration rhetoric on Friday, saying the United States is quickly approaching "a moment of crisis" because of the "record number of migrants" spilling into the United States. Speaking side-by-side with Mexican Foreign Secretary Luis Videgaray Caso in Mexico, Pompeo emphasized the "importance of stopping the flow [of migrants] before it reaches the U.S. border," but deferred to Mexican authorities on how to deal with the issue. "We are deeply aware that the way that Mexico will handle this," he said as he glanced over at the secretary, "is your sovereign decision. Mexico will make its decision — its leaders and its people will decide the best way to achieve what I believe are shared objectives." Pompeo emphasized throughout his remarks that Trump has been "very clear" that immigration is the largest issue that Americans face, but said he was "confident" that the two countries would converge on actions to benefit both countries, after alluding to the work the countries made on its recent trade deal. He also said it was the "uniquely American burden" to "fix U.S. laws in order to handle this burden."

Reported similarly: [Yahoo! News](#) [10/19/2018 2:14 PM, Staff, 273889K]

'Thank God': Homan Says Trump Is a 'Bulldog', Applauds Threat of Military at Southern Border

[FOX News](#) [10/21/2018 1:30 PM, Staff] reports that former acting ICE Director Tom Homan praised President Trump's threat of military action at the southern border Sunday on Fox & Friends. The president tweeted on Thursday that if necessary, he'd call in the U.S. military to stop the thousands of migrants attempting to gain illegal entry into the country. The caravan marched toward the Mexican city of Tapachula early on Sunday, escorted by law enforcement. Homan said on Sunday that the option of military intervention to protect the border is one that needs to be on the table. "I'm glad we've got a president that's a bulldog and is gonna protect this country at all costs," Homan said. "Thank god Donald Trump's sitting in the White House." Homan said the majority of illegal immigrants attempting to cross the border aren't trying to escape fear and persecution, but rather to join family members already in America. He also said that the controversial family separations that happened as a result of Trump's zero-tolerance policy at the border could have been avoided.

"The whole reason family separations happened was because Congress -- specifically the Democrats -- will not close the loopholes that are causing this stuff," he said. "If they would have closed these loopholes when we asked them to, none of this stuff would have been happening." The president on Saturday labeled Democrats as "obstructionists" in a tweet and said that if they would come together, new immigration laws could be agreed upon in "less than one hour." Homan, though, said he has very little faith in the Democratic Party. "American voters need to call their Republican senator and their Republican congressman and tell them to make this happen." [Editorial note: consult source link for video]

Sanctuary city politicians are un-American: Former ICE acting director

[FOX Business](#) [10/19/2018 7:06 PM, Staff] reports that former acting ICE Director Tom Homan on how some Democrats are calling to abolish ICE and why sanctuary city policies put ICE officers in danger. [Editorial note: consult source link for video]

Trump's campaign mode revives fiery immigration talk

[Washington Post](#) [10/20/2018 6:41 AM, AP, Zeke Miller and Catherine Lucey] reports that Donald Trump fueled his 2016 campaign with fiery immigration rhetoric, visions of hordes flowing across the border to assault Americans and steal their jobs. Now, in the final weeks before midterm elections, he's back at it as he looks to stave off Democratic gains in Congress. It's an approach that offers both risks and rewards. He could energize Democratic foes as well as the Republicans he wants to rouse to the polls. But for the president, the potential gains clearly win out. In campaign stops and on Twitter in recent days, he has seized on a huge caravan of Central American migrants trying to reach the United States through Mexico as fresh evidence that his tough immigration prescriptions are needed. He tweeted that the caravan was an "assault on our country at our Southern Border." Then, Thursday night in Montana, he told cheering supporters, "This will be an election of Kavanaugh, the caravan, law and order and common sense ... Remember it's gonna be an election of the caravan."

His assertions got a visual boost Friday when some members of the caravan broke through a Guatemalan border barrier with Mexico. A few then got through to Mexican territory, but most were repelled by police with riot shields and pepper spray. Trump signaled Friday he thought the strategy was working, telling reporters in Scottsdale, Arizona, that immigration was "a great issue for the Republicans." On an aggressive campaign blitz, Trump has sought to cast the midterms as a referendum on his presidency, believing that he must insert himself into the national conversation in order to bring Republicans out to vote. Perhaps no issue was more identified with his last campaign than immigration, particularly his much-vaunted — and still-unfulfilled — promise to quickly build a U.S.-Mexico border wall. To Trump, his pledges are still rallying cries.

Additional reporting:

[Washington Post](#) [10/19/2018 5:50 PM, James Hohmann]
[New York Times](#) [10/20/2018 10:51 PM, Jeremy W. Peters, 22322K]
[New York Times](#) [10/20/2018 6:05 AM, Emily Cochrane, 22322K]
[Wall Street Journal](#) [10/20/2018 5:37 PM, Alex Leary]
[CNN](#) [10/19/2018 5:03 PM, Sophie Tatum, 25865K]
[The Hill](#) [10/20/2018 4:35 PM, Chris Mills Rodrigo]
[Los Angeles Times](#) [10/19/2018 7:10 AM, Editorial Board, 3575K]
[ABC News](#) [10/20/2018 12:26 AM, Tara Palmeri, 2704K]
[ABC News Radio](#) [10/20/2018 10:55 AM, Staff]
[Breitbart](#) [10/20/2018 1:17 PM, Neil Munro, 2405K]
[Daily Beast](#) [10/19/2018 11:35 PM, Scott Bixby, 2272K, NY]
[Washington Times](#) [10/19/2018 5:30 PM, Associated Press, DC]
[Washington Examiner](#) [10/20/2018 4:40 PM, Katelyn Caralle, DC]
[Washington Examiner](#) [10/20/2018 10:59 AM, Katelyn Caralle, 567K, DC]
[Washington Examiner](#) [10/20/2018 3:14 PM, Robert Donachie, 567K, DC]
[AZ Central](#) [10/19/2018 9:42 PM, Daniel González, 669K, AZ]

Trump's latest anti-immigrant gambit: Family separation 2.0

[Washington Post](#) [10/19/2018 7:25 PM, Editorial Board, 11653K] reports that Republicans insist that, on the immigration debate, Democrats want an issue, not a solution. That seems a better way of characterizing President Trump's own immigration approach, which he has publicly urged GOP candidates to weaponize in the midterm elections. In response to a caravan of migrants heading northward from Honduras, Mr. Trump threatened to deploy the military, close the southern border, tear up a just-concluded trade deal with Mexico and Canada, and sever aid to impoverished Central American countries. Even for a president to whom no issue is immune to overreaction, this latest temper-tantrum was an overreach; the last such migrant caravan from Honduras, in April, mostly dissolved before it reached the U.S. border. Still, Mr. Trump is delighted at the chance of deploying this latest migration as a cudgel. "Great Midterm issue for Republicans!" he tweeted Wednesday. A more serious concern is the much broader flow of family migrants from Central America – mainly from El Salvador, Guatemala and Honduras – that has lately become a flood at segments along the frontier in Texas and Arizona. As The Post's Nick Miroff and Josh Dawsey reported, Border Patrol agents arrested more than 16,000 migrants in family units in September, a record monthly tally. Most, citing a fear of returning to their home countries, apply for asylum in this country and are released pending an immigration court date. The September numbers have triggered alarms in Washington, and rightly so; it is in no one's interest – not the United States', and not Central American countries' – to countenance a northward deluge of parents and children. However, the response under consideration by the administration, which amounts to a fresh push to break up families, is no solution. It would be another manufactured humanitarian calamity that would further deplete U.S. prestige while doing nothing to address the epidemic of violence driving Central Americans to leave their homes. Family separation 2.0, as conceived by the White House, would present migrant parents with what officials call a "binary choice." They could remain with their children in detention for months or years - the waiting period reflects the huge backlog in immigration cases – or give them up to the government, which would place them in shelters until other relatives or guardians could seek custody.

Reported similarly: [KSHB](#) [10/19/2018 3:05 PM, Ben Schamisso, 39K, MO]

Immigrant Children Are Staying Longer in Government Custody

[Wall Street Journal](#) [10/19/2018 5:30 AM, Alicia A. Caldwell] reports that migrant children who come into the U.S. without family are staying longer in crowded shelters as authorities struggle to handle their growing numbers and to screen potential sponsors, according to government data and advocates. The average stay for unaccompanied minors who crossed the U.S.-Mexico border, most illegally, is now 59 days. That is up from 56 in June and 41 last year, according to the U.S. Department of Health and Human Services' Office of Refugee Resettlement, which is caring for about 13,000 newly arrived immigrant children. Some critics are concerned about the growing length of time young immigrants are held by the government and suggest that the safety concerns associated with releasing kids to U.S.-based sponsors, typically family members, can be more quickly addressed. The Trump administration has said the increased length of stay is a result of both the large number of kids passing through the shelters and the increased scrutiny given to potential sponsors to ensure children are placed in safe environments. "It is our intention to get kids into the hands of sponsors as quickly and safely as possible," said Mark Weber, a Health and Human Services spokesman.

Trump administration's plan to detain families indefinitely would cost up to \$12.9 billion

[ThinkProgress](#) [10/19/2018 10:36 AM, Rebekah Entralgo, 480K, DC] reports that last month, the Trump administration announced a new rule that would upend a decades-old ban on the indefinite detention of immigrant children. The Flores Agreement, which has been U.S. immigration law for 20 years and dictates that children should not be held in detention for more than 20 days, would be replaced by a rule proposed by The Department of Homeland Security. Withdrawing from Flores, according to DHS Secretary Kristjen Nielsen, is necessary to end one of the "primary pull factors for illegal immigration" – an argument which immigration experts say is deeply flawed. The new rule would allow Immigration and Customs Enforcement officials to house families in unsafe detention facilities while their asylum petitions play out in court, which could take months or even years. According to a new report from the Center For American Progress, the proposed rule would cost at least \$2 billion and as much as \$12.9 billion over the course of a decade – up to \$1.3 billion per year.

U.N. report: Detaining migrant children harms their mental health

[UPI](#) [10/19/2018 3:09 PM, Patrick Timmons, 303K, DC] reports that a United Nations health expert is calling on nations to stop detaining migrant children and separating them from their families because it violates their right to mental health. "Undermining family unity in the context of human mobility is detrimental to the mental health and well-being of children and adolescents on the move and generates effects that could last for years or even generations to come," Dr. Dainius Pūras wrote in a statement to accompany his interim report Friday to the U.N. General Assembly in New York. European countries detain migrant children seeking asylum but they do not separate them from their families, as the U.S. government did this summer at the U.S.-Mexico border. The United States is the only country in the world that has not ratified the U.N. Convention on the Rights of the Child, Article 9 of which prohibits separating children from their families.

Border Patrol arrests record number of illegals crossing southern border

[FOX News](#) [10/20/2018 4:40 PM, Griff Jenkins and Bree Tracey] reports that hours before the sun rises above the horizon, Border Patrol agents in McAllen, Texas, are examining the streets to track down illegal immigrants attempting to cross what is the most heavily trafficked area along the U.S.-Mexico border. Hour after hour different groups were continually captured, with dozens of illegals being arrested before 9 a.m. During a 12-hour shift in the Rio Grande Valley sector, a Fox News team witnessed more than 75 apprehensions by these Border Patrol agents – mostly groups of men in the morning followed by more families in the afternoon. Raul Ortiz, who is the deputy chief of Border Patrol agents, called this business as usual -- agents are averaging up to 641 arrests every day. "The family units will be processed and probably will be released after they receive a notice to appear at an immigration hearing date and the unaccompanied children will be turned over to HHS and placed into a shelter," said Ortiz, adding that in the Rio Grande Valley alone they are seeing a 300 percent increase in family units crossing the border.

An overwhelming majority of illegal immigrants seized are labeled "OTM" or "Other Than Mexican." These individuals migrate from countries such as Guatemala, Honduras or El Salvador, and they are coming over in record numbers. More than 16,000 family members were apprehended last month, which is an 80 percent increase since July, when the Trump administration decided to reverse a zero tolerance policy on immigration. More than

107,000 members of these "family units" were taken into custody in 2018, shattering the previous record of nearly 78,000 in 2016. Overall, that is more than 369,000 arrests along the border in 2018.

Reported similarly: [CBS News](#) [10/20/2018 10:34 AM, Staff]

Questions and answers about state of the U.S.-Mexico border

[Washington Post](#) [10/20/2018 8:54 AM, Colleen Long and Elliot Spagat] reports immigration has again become a hot political issue as President Donald Trump portrays the Mexico border in a state of crisis, underscored by dramatic images of a caravan of Central American migrants moving toward the U.S. and dozens of people climbing the border fence in Arizona. The Border Patrol released video Friday of the fence incident near Yuma, Arizona, on the same day that the president traveled to the state for a rally where he stressed the need for a tougher border. The government said smugglers helped the migrants over the wall in four places and that the group was comprised of 108 people, including 52 children. Trump's critics say the characterization of an out-of-control border is overblown and that Republicans are twisting the issue for political gain more than two weeks before the elections. Large groups of Central American families, particularly from Guatemala, have increasingly been making dangerous journeys through Mexico to the U.S. border. Many turn themselves in to U.S. border agents near the banks of the Rio Grande in Texas or in the deserts of Arizona to seek asylum. Border Patrol agents arrested 16,658 family members in September, up 30 percent from August and up 80 percent from July, according to preliminary figures from Trump administration officials who spoke to AP on condition of anonymity because they were not authorized to give out the numbers.

The U.S. government is having trouble keeping up with the recent influx, forcing officials to find creative ways to handle the situation. They have been dropping off immigrants at churches in Arizona, equipping them with an ankle-monitoring bracelet and giving them instructions to make court appearances at a later date. Catholic Community Services of Southern Arizona, coordinating closely with Immigration and Customs Enforcement, recently placed 340 people in motels in Yuma and Tucson until they could leave for other parts of the country. Family detention space is limited to about 3,300 beds nationally and, under a court settlement, children can generally be held no more than 20 days, causing many families to be released. Many of the immigrants are seeking asylum from violence in Guatemala, Honduras and El Salvador but the Trump administration has imposed tougher rules for these immigrants. Still, asylum seekers can wait years for their cases to be decided in immigration courts, which have a backlog of nearly 800,000 cases.

How to stop illegal immigration: Border security is only a Band-Aid

[Washington Examiner](#) [10/19/2018 1:40 PM, Erin Dunne, 567K, DC] reports on Thursday national security adviser John Bolton and White House chief of staff John Kelly got in a shouting match over immigration. At the heart of the disagreement was the best way to cut the flow of migrants attempting to enter the U.S. legally and illegally at the southern border. Stemming the tide of immigration will take time – and the few weeks until November 6th are hardly enough. With midterm elections just around the corner, the president is ramping up the tough talk on border security and chants of "build the wall" that helped propel him to victory in 2016. He is betting that the same strategy will work to keep Washington Red. The only problem is that for all of the president's talk and tough policies, immigrants keep coming. Recent but yet-to-be released DHS statistics show that 16,658 family members

were apprehended by Border Patrol agents in September. That represents about an 80 percent increase from July. Typically, increased apprehensions indicate that more people are slipping through as well. Then there's the new caravan of between 3,000 and 4,000 is currently working its way north from Honduras. He wants to claim that his administration is doing a good job on immigration and have news and statistics to back up claims like press secretary Sarah Sanders' statement on Thursday: "Our administration is doing a great job on the border."

A shouting match inside White House unmask one of Trump's biggest lies

[Washington Post](#) [10/19/2018 9:12 AM, Greg Sargent, 11614K] reports a shouting match has erupted inside the White House between two of President Trump's top advisers. While angry arguments are typical in the world of stressful, high-stakes White House decision-making, this one has true revelatory potential: It opens a window on a big, festering lie at the very core of Trump's worldview. The first is that immigration to the United States is fundamentally a malicious, destructive force that Americans should feel taken advantage of or menaced by. The second is that it can be dealt with primarily through "toughness." Those lies feed each other: If immigration represents a zero-sum threat, in which migrants or their countries of origin are merely driven by a desire to prey on Americans and America, then a "tough" response will overwhelm that predatory motive. Bloomberg reports that White House Chief of Staff John F. Kelly and national security adviser John Bolton got into a furious argument over immigration. Bolton sided with Trump, who has raged at Homeland Security Secretary Kirstjen Nielsen for failing to stop families trying to cross the border. A core assumption of Trump's immigration agenda is that making life as horrible as possible for immigrants – either those trying to cross the border or those living undocumented here – will reduce the flow of immigration and the size of that undocumented presence. Immigration and Customs Enforcement agents now target longtime undocumented residents not just to remove them, but also to spread fear and misery so more "self deport."

Reported similarly: [NBC News](#) [10/19/2018 3:21 PM, Carol E. Lee, et al.]

Castillo: Immigration attorney in ICE crosshairs over leaked memo

[Austin American-Statesman](#) [10/19/2018 2:56 PM, Juan Castillo, 134K, TX] reports that Dan Kowalski is used to fielding calls from reporters seeking comment about the latest immigration policy development or controversy. But last week he became the news when U.S. Immigration and Customs Enforcement subpoenaed him in a bid to learn who leaked an ICE memo detailing how the agency should carry out Attorney General Jeff Sessions' decision to all but close political asylum for victims of domestic abuse and gang violence. It's a dramatic policy change that could affect tens of thousands of people. Kowalski posted the memo in July in his capacity as editor of Bender's Immigration Bulletin, an immigration news and law journal. He doesn't intend to reveal his sources or how he got the memo. Though it's possible the administration could press the matter in a federal court, Kowalski says he isn't worried and thinks he's protected as a journalist by the First Amendment and by Colorado's shield law. "I don't think ICE really cares about me or is trying to intimidate me," he told me. "I think they simply want to find out who the leaker is from within ICE." Kowalski said the memo drew little or no reaction or commentary when he posted it. Sessions' decision in June to restrict grounds for asylum, however, stirred controversy, coming on the heels of the Trump administration implementing its "zero tolerance" policy of separating immigrant children from their parents at the border.

An undocumented immigrant's life of fear and activism

[Washington Post](#) [10/18/2018 12:50 PM, Mary C. Waters, 11614K] reports one of the few things Americans actually agree on these days is that immigrants who did not arrive here legally are a problem. Of the 11 million immigrants without legal status, more than 60 percent have lived here for at least 10 years, putting down deep roots. These immigrants are caught in a limbo where they live and work as Americans with no way to acquire legal status. Those who oppose them believe they make a mockery of our laws, living with impunity in a society that never agreed to let them in, using false documents and identities to hide from law enforcement. On June 22, 2011, Pulitzer Prize-winning journalist Jose Antonio Vargas published an explosive article in the New York Times Magazine outing himself as an undocumented immigrant. His new book, "Dear America: Notes of an Undocumented Citizen," opens a window for readers into how living without papers is possible, both difficult and commonplace, and too often heartbreaking. Vargas is far from the average undocumented immigrant: He has seen a lot of great fortune in his life. But he shares a lot with others lacking legal status. One stroke of very bad luck — his arrival in the United States without legal permission — created three conditions that characterize life for the undocumented: lying, passing and hiding. The undocumented lie to get jobs and identification papers, they pass as legal residents or citizens in everyday life, and they hide from any situation or person who could unmask them and turn them in for deportation.

[FL] They protested against ICE and now they are paying the price, activists say

[Miami Herald](#) [10/19/2018 5:17 PM, Brenda Medina, 610K, FL] reports for years, immigration activists Bud Conlin and Tomas Kennedy have visited immigration detention centers such as the Krome Service Processing Center, as part of the pro-immigrant organization Friends of Miami-Dade Detainees. During the visits, Conlin, Kennedy and other of volunteers speak with detainees to learn their stories. The organization also pays for cell phone recharges so that immigrants can talk to their relatives and legal representatives. On Sept. 14, Conlin was not allowed to enter the Krome detention center. The only explanation he received from one of the security guards was that Immigration and Customs Enforcement had banned entry to Conlin and Kennedy. A month earlier, the activists and 15 others were arrested by Miramar police, after blocking a street near an ICE field office during a protest to denounce alleged ill-treatment of immigrants who come to that facility. On Thursday, the group held a press conference outside the same building, at Southwest 29th Street and 145th Avenue, to denounce what they consider retaliation by ICE for their participation in the protest. According to the activists, the federal agency is violating their rights to freedom of speech and freedom of peaceful assembly, by prohibiting their entry into detention centers following the demonstration. ICE spokesperson in Miami, Nestor Yglesias, said in a written statement that the agency can deny access to anyone to their facilities, if they determine that the presence of that person can alter the order. Yglesias referred to a 2011 document, called Performance Based National Detention Standards, that dictates the rules for visiting ICE detention centers.

[TX] Democrats promise to review Tornillo migrant tent city if they win the House

[El Paso Inc.](#) [10/21/2018 2:00 PM, Robert Moore, 4K, TX] reports that Democrats are promising increased oversight of the migrant children's shelter at Tornillo – and the policies that led to its creation and expansion – if they win control of the House of Representatives in the November election.

[AZ] Big numbers of Central Americans arriving at Arizona border

[Associated Press](#) [10/19/2018 6:57 PM, Anita Snow] reports large groups of Central American migrants continue to surrender to Border Patrol agents in Arizona with the arrival of one recent group numbering 108 captured in dramatic video images, authorities said Friday. The agency said camera operators monitoring movement Thursday afternoon along the U.S.-Mexico border in the Yuma area captured images of a large number of people being dropped over the border wall east of the San Luis Port of Entry. It said the smugglers never crossed the border while they helped migrants over the wall in four places. The group was comprised of 100 Guatemalans and eight Hondurans. They included 52 children, nine of them 5 years and younger. Arizona Border Patrol agents for weeks have been overwhelmed by the arrival of large numbers of Central American migrants traveling in families. U.S. Immigration and Customs Enforcement in Arizona earlier this month began releasing hundreds of people to await court dates, saying it didn't have the capacity to hold an "incredibly high volume" of migrant families showing up at the border.

Reported similarly: [Breitbart](#) [10/20/2018 12:19 PM, Bob Price, 2405K]

[AZ] Motel for migrants: Aid group touts success in helping families released at border

[Arizona Republic](#) [10/20/2018 5:00 AM, Rafael Carranza, AZ] reports an aid group in southern Arizona turned to housing newly released migrant families at a motel because permanent shelters remain full, as U.S. immigration officials continued releasing from detention hundreds of families this week. Catholic Community Services of Southern Arizona, one of several faith-based groups assisting recently released families, said they had placed about 150 migrants into 60 motel rooms over the past four days. That's on top of nearly 500 migrants they helped the week before. Starting Oct. 7, U.S. Immigration and Customs Enforcement — which takes custody of families after they have been processed at the border — began releasing a larger than usual number of families, stating that they had no place to hold them because of a surge in their arrivals. They released some 800 migrants that first week throughout Arizona. The influx overwhelmed permanent shelters in Tucson like Casa Alitas, operated by Catholic Community Services, as well as the Methodist-affiliated Inn Project.

Many of the families, hailing almost exclusively from Guatemala, were making final preparations to head out. Cesar Lopez was among them; he asked that only his partial name be used to protect his identity. He had fled Guatemala two weeks earlier with his 4-year-old son, leaving behind a 3-year-old and their mother. It took the pair eight days to reach the U.S.-Mexico border, where they crossed illegally through the Arizona desert as part of a group of 24 other migrants, he said. Border Patrol agents found Lopez and his group along a desert road, as they were resting from a three-hour walk in the heat. They were close to running out of water, Lopez said. Agents took the pair into detention, which he said reminded him of a jail, but at least they were together. After about six days, on Tuesday, ICE released them from detention, to the care of Catholic Community Services in Tucson, which placed them at the motel. For many migrants, it's their first chance at a good meal, shower and rest in weeks. And in some cases, the motel room itself exceeds the living conditions back home. But the journey for Lopez and his son is only just beginning. The two are headed to Atlanta, where they will stay with the boy's grandfather as their asylum case winds its way through immigration court. Through the odds are stacked against them, he's at least glad to be here now.

[OR] Measure 105 a referendum on Oregon's sanctuary status

[Bend Bulletin](#) [10/19/2018 9:03 PM, Garrett Andrews, 20K, OR] reports measure 105 is part of a national wave of pro-border proposals emanating from the political right in the aftermath of President Donald Trump's election. And it's one of the first serious challenges to Oregon's unique and influential 31-year-old "sanctuary state" law. The measure would repeal the state law forbidding state resources – including local law enforcement dollars – from being used to enforce federal immigration law. Oregon's sanctuary law passed with little fanfare in the Oregon Legislature in 1987 by near-unanimous margins in both houses. The aim was to keep local resources from being used to enforce federal laws when it wasn't necessary. The immigration debate has changed in 30 years, especially in the aftermath of the 2016 election of Trump, whose rhetoric over illegal immigration and a border wall between the United States and Mexico motivated conservative voters to turn out. In addition to discouraging those in the country illegally from reporting crimes, opponents say Measure 105 would lead to profiling and the deportation of children and the separation of families. Eighteen of 36 Oregon sheriffs are on record supporting the measure, as is Republican gubernatorial candidate Knute Buehler. Jefferson County Sheriff Jim Adkins said his office has contacted Immigration and Customs Enforcement with offers to help as much as possible under the law, including sharing by his jail roster.

[CA] DOJ Trying to Reboot Sanctuary City Fight, Calif. Says

[Law 360](#) [10/19/2018 5:49 PM, Christopher Crosby] reports California has told a federal judge that the Trump administration hasn't given up hopes of blocking sanctuary cities from obtaining federal public safety grants and is instead trying to dodge the court's ruling that the policy unconstitutionally violates the separation of powers. Attorneys for the state urged the court to reject the U.S. Department of Justice's motion to amend an Oct. 5 ruling that issued a nationwide injunction against the policy, which had allowed the government to reject applications for a grant program on the basis that a town or city did not comply with a portion of the Immigration and Nationality Act. The law bars restrictions on federal, state and local governments sharing citizenship or immigration status information. Following the ruling, attorneys for the government asked the court to narrow the scope of its order, saying the phrase "without the enjoined conditions" should be changed to forbid "enforcing the conditions" of the U.S. Congress' Edward Byrne Memorial Justice Assistance Grant program. As written, the order could prohibit any grant condition based on any California law, and will prevent the DOJ's Office of Justice Programs from enforcing the policy in the event it wins on appeal, the government said. But attorneys for California on Thursday objected that the government has never taken this stance before, and that changing the language would effectively defang the court's order. Instead, altering the court's order could force cities and towns who've since spent the funds to suddenly have to repay money they don't have.

[CA] Dispatches from Tijuana: U.S. Immigration Policy Through the Lives of Deportees

[KQED](#) [10/19/2018 9:00 PM, Farida Jhabvala Romero, 149K, CA] reports at a migrant shelter in Tijuana, Mexico, less than three miles away from the metal border fence, Sergio Saucedo, 47, was reeling from his deportation from the United States, where he had spent over half of his life. Three days earlier, U.S. immigration authorities had handed him to their Mexican counterparts at the border crossing, Saucedo said, with just the clothes he was wearing and some paperwork from his deportation. The experiences of recent deportees like Saucedo highlight ways the Trump administration has reshaped immigration policies

affecting hundreds of thousands of people. Mexicans deported from California often end up first in Tijuana, a city local leaders say is absorbing thousands of deportees and also migrants from other countries who were drawn to the U.S. border. In recent months, Martinez is seeing more deportees who have a long history in the U.S. and no significant criminal records. Most of the immigrants deported last year after living in the U.S. do have a criminal conviction, according to ICE, but immigration officials are also deporting thousands more people with no criminal records. Among ICE detainees with convictions, the most common offenses were traffic, drug and immigration violations.

Another man coping with a recent deportation at the shelter was Ricardo Padron. It was his 43rd birthday, but Padron said there was little to celebrate after his arrest by U.S. immigration authorities a week before in Richmond, California. Padron said he arrived in the U.S. on a temporary visa 21 years ago, but overstayed. He worked under the table as a landscaper and DJ in the San Francisco Bay Area. He got married and started a family. In July, Padron was convicted of a misdemeanor for drug possession. After he spent 10 days at the West County Detention Facility in Richmond, a judge released him on probation, according to court records. But just as happened to Saucedo in a courthouse, two ICE agents approached Padron as he was about to leave the jail, he said. Immigration agents have long made most of their arrests at jails and prisons. But during the Obama administration, enforcement became focused on national security threats, recent border crossers and serious criminals. Last year, California passed a landmark sanctuary law to protect non-violent, low-level offenders like Padron from the Trump administration's aggressive immigration enforcement. Many sheriffs opposed the law, arguing it would shield criminals. And several sheriffs began making public all inmate release dates after its passage, including in Contra Costa, the county where Padron was arrested. Richard Rocha, a spokesman for ICE, declined to comment on how the agency tracked Padron. But he said ICE uses multiple sources. "We use a variety of law enforcement databases and others provided to us to identify individuals that may be subject for arrest," said Rocha.

[Canada] Canada deemed U.S. a safe country for asylum seekers after internal review

[The Telegram](#) [10/21/2018 10:16 PM, Teresa Wright, Canada] reports that Canadian immigration officials have determined that the United States remains a safe country for asylum seekers, despite the Trump administration's crackdown on what it terms illegal aliens. Documents obtained by The Canadian Press under access-to-information law show Canada was concerned about the changes in U.S. immigration policy and conducted a review of its Safe Third Country agreement with the U.S. from January to March of 2017. The review came after U.S. President Donald Trump issued a number of executive orders on immigration, including one aimed at beefing up border security to "end the abuse of parole and asylum provisions" that delay and complicate the removal of undocumented migrants to the U.S. Canada's analyses of these U.S. policies were redacted from the documents. However, the overall conclusion reached by Canadian officials was that the United States "continues to meet the requirements for designation as a safe third country." As part of this review, detailed policy directive memos from then-U.S. secretary of Homeland Security John Kelly were examined.

Legal News

Judge orders government to consider asylum for dozens separated during "zero tolerance"

[CBS News](#) [10/19/2018 11:11 AM, Graham Kates] reports a federal judge has ordered the U.S. government to review the asylum claims of at least 60 parents and children who were separated at the border as a result of the Justice Department's short-lived "zero tolerance" policy. Attorneys for the ACLU and the government reached a settlement in September to begin processing the asylum claims of more than 1,000 immigrants separated by government officials this spring, but federal officials stalled on following through. In filing the order Thursday, Judge Dana Sabraw of the U.S. District Court of for the Southern District of California wrote that the government repeatedly said it intended to "get moving on this" before the settlement was reached. Instead, the government has since argued that it did not have to begin processing the asylum claims until the deal is formally approved at a federal court hearing scheduled for Nov. 15. In an Oct. 10 emergency motion to force the government to comply with the settlement, civil rights attorneys said the delay had already led to the deportation of dozens of families who had been detained.

Sessions To Eye 'Duress' Defense For Persecutor Asylum Bids

[Law 360](#) [10/19/2018 8:48 PM, Kevin Penton] reports U.S. Attorney General Jeff Sessions referred another Board of Immigration Appeals case to himself on Thursday so he can review its findings, focusing this time on whether individuals deemed to be persecutors may duck deportation by arguing they were under "duress" when they performed the actions at issue. Sessions will examine a split BIA panel's finding from June that so-called persecutors may overcome a bar on obtaining immigration relief if they claim they acted under "duress" and are able to establish that they had no "reasonable opportunity" to escape or to "frustrate" what they were forced to do, according to Thursday's decision, the latest in a series of board cases the attorney general has injected himself into in recent months. Sessions gave interested parties until Nov. 15 to file briefs on the question of "whether coercion and duress are relevant to the application of the Immigration and Nationality Act's persecutor bar," according to Thursday's filing. While the board agreed in the case that Daniel Girmai Negusie, a former armed guard from Eritrea, did not qualify for either asylum or withholding of removal, a majority of the three-judge panel still went forward with crafting a defense based on the Refugee Act of 1980. The dissenting judge held that the board exceeded its authority in developing it.

11th Circ. Won't Stop Deportation Of Honduran Woman

[Law 360](#) [10/19/2018 6:15 PM, Carolina Bolado] reports the Eleventh Circuit has affirmed a Bureau of Immigration Appeal decision not to reopen a Honduran national's removal proceedings, ruling that even if her counsel had been more effective, she likely still would have been ordered deported. The appeals court on Thursday said Dinora Ortega Morales had failed to show that, but for her attorney's allegedly ineffective assistance, she could have been granted asylum. Ortega Morales fled to the United States in 2011 after her brother, who was a truck driver for a company that delivered shipping containers to the port, was murdered. He had found out that the government-owned company that employed him was importing and exporting contraband through the port, according to the opinion. She stayed six months in the U.S. and then returned to Honduras in November 2011, but after her father began receiving death threats against her over the phone, she got a tourist visa and returned to the U.S. in June 2012. After her visa expired, she hired an attorney and filed an application for asylum.

In 2014, after hearing testimony from both Ortega Morales and her husband, an immigration judge determined that they testified credibly but that she had failed to prove her eligibility for

relief. The judge found the threatening phone calls to her father did not amount to persecution and said that she had failed to establish a nexus between any past or future persecution and a protected ground. The judge reasoned that her brother was murdered because of his knowledge of corruption, and the man who committed the murder was interested in Ortega Morales not because of a family relationship but because of what she might know about the corruption, according to the opinion. The judge also said no other family members had been targeted or threatened. In March 2017, she filed a motion to reopen the removal proceedings based on ineffective assistance of counsel by arguing that her attorney had failed to prepare her for the hearing, had not asked the right questions at the hearing and had failed to establish the Honduran government's involvement in the murder and threats.

[MN] Nobles County to appeal order in immigrant detainee case

[U.S. News & World Report](#) [10/19/2018 5:15 PM, Associated Press] reports that a Minnesota judge has issued a temporary restraining order that bars the Nobles County Sheriff's Office from relying on arrest warrants from immigration officials to keep individuals detained. The Minnesota chapter of the American Civil Liberties Union sued Nobles County this year, alleging the sheriff didn't release some immigrants from jail when required, then re-arrested them for Immigrations and Customs Enforcement. An attorney for the county says it doesn't arrest people for ICE. But Nobles County has a contract to house ICE detainees and transitions into ICE custody were done if paperwork was in order. Friday's order says the county can't rely on ICE arrest warrants because they aren't signed by a judge. This means that now, the county must release individuals and an ICE official must re-arrest them if they are to be placed in federal custody. The county is appealing.

Reported similarly:

[Minneapolis Star Tribune](#) [10/19/2018 8:34 PM, Staff, 504K, MN]

[KSTP](#) [10/19/2018 4:36 PM, Staff, 67K, MN]

[Minnesota Public Radio](#) [10/19/2018 7:10 PM, Staff, 12K, MN]

[Mitchell Daily Republic](#) [10/19/2018 7:42 PM, Staff, 3K, SD]

[Worthington Daily Globe](#) [10/19/2018 6:07 PM, Staff, 2K, MN]

[Bluestem Prairie](#) [10/19/2018 10:22 PM, Sally Jo Sorensen, MN]

Enforcement News

ICE Appears to End Use of Federal Prisons For Immigrant Detainees

[NPR](#) [10/20/2018 6:01 AM, Conrad Wilson, 54K, OR] reports that U.S. Immigration and Customs Enforcement has all but abandoned its use of federal prisons to house detainees. In early June, the agency announced it was sending up to 1,600 immigrant detainees to five federal prisons in Texas, Oregon, California, Washington and Arizona. But now, only three ICE detainees remain across the five prisons that once held hundreds of immigrants. There are no ICE detainees at the federal prisons in Victorville, California; SeaTac in Washington; La Tuna in Texas; or Phoenix, ICE spokeswoman Tanya Roman said in a statement Wednesday. The three ICE detainees that remain are inside the federal prison in Sheridan, Oregon. ICE's large-scale use of federal prisons to house its detainees was unprecedented and controversial. Many of the detainees sent to the prisons were seeking asylum. Yet, they were treated as criminals, according to multiple immigration attorneys who represented the detainees in several of the prisons, even though few — if any — of the detainees had been charged criminally or were serving a criminal sentence. "The interagency agreements with

BOP [Bureau of Prisons] were set up as a temporary measure to meet the increased need for detention space during the implementation of the U.S. Department of Justice's zero-tolerance policy," said Roman, the ICE spokeswoman. "Detainees that were held there would either have been removed, released from custody or transferred to another facility."

Greyhound faces challenges over cooperation with immigration checks on its buses

[Dallas Morning News](#) [10/19/2018 2:00 PM, Dianne Solis] reports America's acrimonious debate over federal immigration policies hit the Dallas-based Greyhound bus company on Friday with the delivery of petitions asking the corporation to stop government agents from questioning passengers on its buses. Greyhound allows federal immigration agents to routinely board buses without warrants and ask passengers about their immigration status. Andre Segura, legal director of the ACLU of Texas, said at a news conference that under the Fourth Amendment, "Greyhound can refuse to allow agents to enter its buses. They can protect their passengers. ... This is not a show-me-your-papers country." Segura was joined at the news conference by others objecting to Greyhound's cooperation with federal authorities, including an immigrant who was put in deportation proceedings after being picked up on a bus check. The petitions asked Greyhound Lines Inc. to "stop violating your passengers' constitutional rights by allowing Border Patrol agents to board your buses, question and arrest them. People should be able to take the bus without fear of unfounded interrogation and deportation."

Reported similarly: [KERA News](#) [10/21/2018 3:16 PM, Stella M. Chávez, TX]

[MA] After 1 year in sanctuary, Lucio Perez tells supporters 'thank you' at Amherst event

[MassLive](#) [10/20/2018 9:38 PM, Lucas Ropek, 167K, MA] reports that Lucio Perez, a Guatemalan national who took sanctuary in an Amherst church last year amidst announcements of the federal government's crackdown on undocumented immigrants, said Saturday that he was doing well despite the circumstances. Standing before a crowd of hundreds in the First United Church where he has spent the last twelve months, Perez told his supporters that he felt their support acutely. "When I see so many people here before me I feel that I am not alone," he said. Designed to acknowledge the time he had spent inside the church, Saturday's event took place exactly a year after Perez took shelter there after being ordered to return to his home country by federal officials.

Reported similarly: [WWLP](#) [10/20/2018 11:16 PM, Jennifer Zarate, 43K, MA]

[MA] "They've Destroyed My Family" – The Story Of A Mother's Last-Minute Deportation

[New England Public Radio](#) [10/20/2018 6:41 AM, Diane Orson, 5K, MA] reports that Miguel Torres said his wife's deportation didn't come as a complete surprise. Glenda Cardenas Caballero was undocumented and had an order of deportation from 2005. He said the family had tried for years to find a way for her to stay. "They tried to deport her three times," he said. "But then we continued doing the appeals. We've been always complying with every single detail." But it wasn't enough. More than seven percent of children in public and private schools in the U.S. – millions of kids nationwide – live with a parent who is undocumented. These children live with constant insecurity and fear of separation, and the emotional consequences when a parent is deported. In Caballero's case, it wasn't until she was at the curb at the John F. Kennedy Airport that she learned she would actually have to

leave. Immigration and Customs Enforcement officers took her away, as her children watched. In an email, ICE spokesman John Mohan confirmed that Glenda was deported in August. He said there's no typical timeline for removals which are done on a case-by-case basis. [Editorial note: consult source link for audio]

[NY] Bones believed to be those of missing baby found on property in Sodus

[Times of Wayne County](#) [10/20/2018 9:03 AM, Staff, NY] reports at a press conference on Tuesday, Wayne County Sheriff Barry Virts said skeletal remains uncovered in an orchard on Joy Road in the Town of Sodus are consistent with the age of a toddler who has been missing since May. One-year-old Owen Hidalgo-Calderon was reported missing, along with his mother, 18-year-old Selena Hidalgo-Calderon, last seen May 16. She was found dead, stuffed in a bag in a wooded area near her home on Joy Road in Sodus just a few days after being declared missing. The official cause of death for Selena Hidalgo-Calderon has still not been released. Hidalgo-Calderon, who was from Guatemala and spoke little English, had lived in the U.S. since November 2016. Police and hundreds of volunteers searched the 700 acre farm area for almost two weeks, looking for the little boy. Sheriff Virts said crews returned to the area, using recruits and teams in an ongoing effort to continue the search. Police believe Selena was killed in the home she shared with Reyes at the Joy Road farm, for about three weeks. A trail camera footage set up by a hunter showed Reyes moving "in and out of the woods," carrying a shovel, over a five-hour period on May 17. He admitted to moving Selena's body, but not killing her. The Wayne County Sheriff's Office sent Donoteo-Reyes's fingerprints to ICE, his immigration status came up as invalid in the ICE database. In addition, falsified documents belonging Donoteo-Reye were found by investigators during the search for Owen Hidalgo-Calderon. Among the falsified documents was a counterfeit alien registration card in the name "Alberto Gutierrez" which contained a photograph of Donoteo-Reyes. ICE has been working with Homeland Security Investigations on this case.

[NY] Immigration judge hears testimony in asylum hearing for Abigail Hernandez

[The Batavian](#) [10/19/2018 5:54 PM, Howard B. Owens, 11K, NY] reports the family of Abigail Hernandez, the special-needs former East Rochester High School student accused of making a terroristic threat and now being held at the Buffalo Federal Detention Facility in Batavia, will have to wait at least two more weeks before learning whether she will be deported. After more than three hours of motions by attorneys and testimony by Hernandez and her step-father yesterday, the case was not completed, and Immigration Judge Steve Connelly had other items on his calendar for the afternoon so scheduled closing arguments for 9 a.m., Nov. 2. Hernandez was arrested and charged last year after creating a fake Facebook account, under the name Martin Doll, and then posting a threat to shoot fellow students at East Rochester with a shotgun. Immigration attorney Hannah Howell has filed a petition for asylum in the U.S., according to her statements in court yesterday, based on her client's intellectual disability.

[VA] Man charged in fishing trip slaying was accused of domestic abuse, immigration violation

[Hampton Roads Daily Press](#) [10/21/2018 2:43 PM, Peter Dujardin, 36K, VA] reports that Franklin "Freddy" Meave Vazquez Jr., 27 — a Mexican national who has lived in the United States for 17 years and in Newport News for 10 — was arrested by the Coast Guard. He's charged with murdering Javier Rangel Sosa, 54, of Newport News and attempting to murder another man "on the high seas ... within the special maritime and territorial jurisdiction of the

United States," according to an affidavit by a Coast Guard special agent filed in U.S. District Court in Boston. Things could have turned out very differently. In March, Meave was charged with two felonies in a Newport News domestic violence case that carried the potential for significant prison time. And in April — while the domestic case was pending — federal immigration officials determined that Meave was in the country illegally and took him into custody. Newport News police responded to a domestic abuse complaint from Meave's wife on March 8. Aside from the immigration hold and the then-pending felony abuse charges, court paperwork says that Meave had a misdemeanor shoplifting conviction in Hampton in 2015 — reduced in a plea agreement from a felony larceny. He also had pending drug charges in New Jersey and past dropped drug charges in Newport News.

[SC] Police: Drunk Illegal Alien Crashed Car with Four Children in Vehicle

[Breitbart](#) [10/19/2018 7:06 PM, John Binder, 2405K] reports that an illegal alien has been arrested in York County, South Carolina after police say the woman was drunk driving when she crashed her car that was carrying four children. Teresa Antonia Caceras-Rivera, a 25-year-old illegal alien, was driving drunk when she drove her car off the road into an embankment, flipping the vehicle over, according to the South Carolina Highway Patrol. Law enforcement still does not know the relation between the children and the illegal alien. Police say all the children in the vehicle were injured because of the drunk driving accident, while Caceras-Rivera was not injured in the wreck. The illegal alien is facing drunk driving, driving without a license, and child endangerment charges and is being held without bond at the York County Jail.

The [Rock Hill Herald](#) [10/19/2018 1:36 PM, Andrew Dys, 25K, SC] reports that Caceras-Rivera is being held without bond at the York County jail by Immigration and Customs Enforcement officials, jail and police records show. Issuance of an immigration detainer generally means the person is a foreign national, subject to removal from the country, according to ICE spokesman Bryan Cox.

[OH] Canadian deported despite having served for US military

[The Guardian](#) [10/21/2018 2:00 PM, Richard Luscombe, UK] reports a Canadian army captain who fought alongside American troops in Afghanistan, and who is married to a former officer in the US air force, has been deported as Donald Trump's zero tolerance immigration policies continue to break apart military families. Demetry Furman, 47, says he held a top-level security clearance with US forces during his service in the Middle East and worked with them on several successful anti-drugs operations that prevented millions of dollars of heroin coming to the West. But in a twist of irony he says it was a long-spent 1992 marijuana conviction that led to his being dumped by agents from the Immigration and Customs Enforcement agency (ICE) at the Canadian border on Tuesday — after he spent 77 days in a maximum security jail in Ohio labelled as a drugs trafficker.

Reported similarly: [ThinkProgress](#) [10/21/2018 2:02 PM, Casey Michel, 480K, DC]

[IL] 'Parent's worst nightmare' — Houston man sentenced to 18 months for abducting girl from McHenry County

[Chicago Tribune](#) [10/19/2018 12:45 PM, Amanda Marrazzo, 1740K, IL] reports a Texas man who drove to McHenry County last Thanksgiving, then left town with a 15-year-old girl — with whom, his lawyer said, he had had an online romance for six months — was sentenced to 18 months in prison Friday for felony child abduction. Multiple charges of child

pornography against Francisco Tulul, 19, of Houston, were dismissed in exchange for his guilty plea in May. Through an interpreter at Friday's sentencing hearing, Tulul, who moved to the United States from Guatemala to escape street gangs, said he did not know he was breaking the law when he drove to meet the girl in the McHenry County town of Harvard. He said he came to the U.S. to work and send money back to his parents and did not know "anything about the laws in this country." Assistant State's Attorney Randi Freese called what Tulul did a "parent's worst nightmare." In arguing for prison time, Freese said the fact that Tulul drove from Texas to meet the minor girl then left town with her "shows length he'll go to commit a crime and how dangerous he really is." Tulul still faces deportation through Immigration and Customs Enforcement.

[TX] Here's what Joe Kennedy III had to say after visiting a detention center for immigrant children in Texas

[Boston.com](#) [10/19/2018 12:42 PM, Christopher Gavin, 673K, MA] reports that four months after he was turned away at the door of a Texas border detention center that houses thousands of undocumented immigrant children, U.S. Rep. Joe Kennedy III returned for a tour this week as the population of detainees continues to climb amid what the Newton Democrat calls "obstacles and unnecessary delays" fueled by the Trump administration. In an interview with Boston.com Tuesday evening, Kennedy blamed the bottleneck on policies enacted by the Trump administration, which he said is not "releasing these children to sponsors under an appropriate timeline." Specifically, Kennedy pointed to a Trump administration practice that shares fingerprints collected by law enforcement to vet potential sponsors for undocumented immigrant children with Immigration and Customs Enforcement officials. The information has been used in some cases to arrest would-be sponsors with immigration violations of their own, according to CNN.

[TX] Woman seeks to stay in U.S.; feds set to deport victim of sex assaults

[Brownsville Herald](#) [10/19/2018 5:39 PM, Mark Reagan, 5K, TX] reports that lawyers for an indigenous Mayan woman who allegedly suffered years of sexual abuse at the hands of family members starting when she was 7-years-old have filed a request for a temporary restraining order to stop her imminent deportation back to Guatemala. Attorneys Allison N. Boyle and Michael Rodriguez filed the request in federal court Thursday afternoon a day after filing a writ of habeas corpus seeking relief for the woman, arguing she wasn't given a fair credible fear hearing because immigration authorities interviewed her in Spanish, instead of Popti, a Mayan dialect, which is the only language she is fluent in, according to court documents. At her first hearing, she was 17, seven months pregnant, had no understanding of Spanish and appeared before an immigration judge without an attorney, according to court documents. The immigration judge and Office of the Chief Counsel told her in Spanish to "sign here," and neither explained the consequences of her signature to her, her attorneys said in the document. That signature gave her 120 days to leave the country, when that deadline passed, her voluntary departure became a removal order, and in July 2017, ICE officers entered her home by picking the lock on her front door without announcing themselves or presenting a warrant, according to the document.

[TX] Multi-agency operation results in arrest of 9 for online solicitation of a minor

[East Texas Matters](#) [10/19/2018 7:13 PM, Christa Wood, 15K, TX] reports that a multi-agency operation ends with nine people behind bars for online solicitation of a minor. Smith County Sheriff's Office, Tyler Police, Longview Police, FBI, ICE, along with DPS arrested people during an operation Wednesday and Thursday. According to the sheriff's office, the

suspects were arrested when they arrived at an undisclosed location after soliciting sex online with investigators posing as minors. The people arrested are listed below: Jose Villafranco-Gutierrez, 38, of Tyler, on an immigration detainer and \$75,000 bond for the online solicitation charge. Ruben Hernandez Contreras, 23, of Tyler, on an immigration detainer and a \$75,000 bond for the online solicitation charge.

Reported similarly: [Tyler Morning Telegraph](#) [10/19/2018 9:40 AM, L. Campbell, 11K, TX]

[TX] After ICE Raid, A Shortage Of Welders In Tigertown, Texas

[Prairie Public](#) [10/19/2018 10:46 AM, John Burnett, 1K, ND] reports that with new enforcement priorities under the Trump administration, Immigration and Customs Enforcement agents are taking aim at employers that knowingly hire unauthorized immigrants. The most recent – and largest – bust happened at a trailer manufacturing plant in northeast Texas. Business had been booming at Load Trail LLC, about two hours northeast of Dallas, as customers bought the black trailers to haul hay bales, topsoil, construction refuse and oilfield equipment. Then came the ICE raid in late August.

Inside Load Trail's huge production building, welders turn raw steel into trailers, amid cacophonous clanging and showers of sparks. It's brutish labor – cut the heavy black metal, lug it into place, arc-weld it, repeat – but the production floor is nearly half-empty because of an acute shortage of welders. Load Trail CEO Kevin Hiebert remembers the morning of Aug. 28, when a helicopter thumped overhead and 300 ICE agents swarmed into his yard. "It looked like something you would typically see in the movies," he said, "Not something you ever planned on living out in real life." ICE rounded up more than 150 employees – nearly a quarter of Hiebert's workforce – loaded them into buses and booked them for working in the country unlawfully. A criminal investigation of the company continues. So far this year, ICE agents have stormed 7-Eleven stores, a meatpacking plant, dairy and vegetable farms and a feedlot. "Businesses that knowingly hire illegal aliens create an unfair advantage over their competing businesses. In addition, they take jobs away from U.S. citizens and legal residents," said Katrina Berger, special agent in charge of Homeland Security Investigations in the Dallas ICE office.

[CO] Inmate captured 5 months after escape pleads not guilty

[KUSA-TV](#) [10/19/2018 3:14 PM, Allison Sylte, 143K, CO] reports that the man who was apprehended five months after he escaped during a prisoner transport pleaded not guilty during a court appearance on Friday. Mauricio Venzor-Gonzalez will be tried separately for the charges against him. Before he escaped the morning of March 19, he was being held for suspicion of attempted murder for allegedly shooting a police officer during a traffic stop. He will now stand trial for those charges in early March 2019, and once that concludes, court proceedings related to his escape will begin. During court on Friday, a motion to consolidate the cases was waived by the District Attorney's Office. After months on the run, Venzor-Gonzalez was arrested the morning of Aug. 24 in Thornton, according to a tweet from the Denver Police Department. Denver Sheriff Patrick Firman told 9NEWS that Venzor-Gonzalez had been previously sought by immigration officials for possible deportation. On Dec. 28, 2017, Immigration and Customs Enforcement sent the Denver Sheriff's Department a request for release notification for Venzor-Gonzalez. The sheriff's department's policy would have been to notify ICE once he began the release process.

[CO] Pitkin County Courthouse ICE arrest likely a first

[Aspen Times](#) [10/19/2018 12:16 PM, Jason Auslander, 22K, CO] reports that the arrest of a Carbondale man by immigration officers this week at the Pitkin County Courthouse appears to be the first time in decades that such an arrest has occurred inside the downtown Aspen building, sources said Friday. "I'm not sure we've ever seen that — somebody being arrested (by ICE agents) before a court hearing," Pitkin County Sheriff Joe DiSalvo, who's worked in law enforcement in the area for 33 years, said Friday. One of the employees at the Pitkin County Clerk's Office, who's worked in the building for more than three decades, also said she couldn't recall immigration officers ever making an actual arrest at the courthouse. Two Glenwood Springs-based Immigration and Customs Enforcement officers notified the Sheriff's Office early Monday they planned on making an arrest that morning before or after a court hearing, DiSalvo said. The sheriff said he offered assistance, though the two agents declined any help. It turned out they were looking for Enrique Garcia Hernandez, 48, who was facing two counts of felony theft for an incident in April and another last month. However, one of those counts was about to be dismissed because the prosecutor in the case dropped the September theft charge.

[OR] 3 immigrant detainees remain at federal prison in Sheridan

[Oregonian](#) [10/20/2018 11:03 PM, Maxine Bernstein, 587K, OR] reports just three of the more than 120 immigrants who were detained at the federal prison in Sheridan in late May remain in custody. Eighty of the men successfully demonstrated that they had fled their home countries due to a credible fear of prosecution, said Stephen W. Manning, executive director of the Innovation Lab, a nonprofit law group that represented them. That halted removal proceedings and made the civil detainees eligible for release with hearings before an immigration judge, Manning said. The three who remain in custody await removal hearings, according to court records filed Friday. Others either agreed to voluntarily return to their countries or secured private lawyers.

[CA] Anaheim man faces deportation, family believes relative they suspect molested his daughter tipped ICE

[Los Angeles Daily News](#) [10/20/2018 8:30 PM, Roxana Kopetman, 59K, CA] reports that Marcos Villanueva was taking his wife out for a cafecito early on Aug. 8, as was often their custom, when the couple was pulled over by immigration agents in three black vehicles. Villanueva, who has lived in Southern California for 13 years, admits to residing in the country illegally. But when he was picked up, there was nothing in his life that would have drawn attention to his deportation case, his family and attorney said, except this: The family recently appeared in an Orange County courtroom to support their young daughter when she accused an uncle of molestation and attempted rape. "I do not believe his detention is a coincidence," said his attorney, Willard Bakeman, who suspects the uncle accused of the molestation tipped off U.S. Immigration and Customs Enforcement of Villanueva's illegal immigration status. His life has been in limbo ever since. On Tuesday, Oct. 23, the 40-year-old faces an order of deportation. Villanueva has been at the James A. Musick Facility adjacent to Irvine since he was detained near his Anaheim home. Villanueva's attorney requested a deportation order issued in 2005 be halted and set aside. He's seeking relief in federal District Court in Santa Ana and filed an appeal with the Board of Immigration Appeals, his attorney said. Bakeman said the rush to deport his client, who has no criminal record, is unique. "It is the first and only time in 25 years that I have seen them deport a person they knew was on appeal," Bakeman said Saturday, Oct. 20. An ICE spokeswoman, citing confidentiality, did not comment on Villanueva's case other than to confirm he is in custody pending his deportation. "While ICE continues to focus its enforcement resources

on individuals who pose a threat to national security, public safety and border security, the agency does not exempt classes or categories of removable aliens from potential enforcement," ICE spokeswoman Lori Haley wrote in an e-mail.

{End of Report}

From: [EOIR, PAO \(EOIR\)](#)
To: [All of EOIR](#)
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EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

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Tuesday, Oct. 23, 2018

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[\[OR\] In Oregon, a community responds to imprisonment of migrants](#)

[\[CA\] Tijuana shelters are full as growing number of asylum-seeking families wait their turn at San Diego border](#)

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[Immigration lawyer says he won't comply with subpoena for source of leaked ICE memo](#)

[6th Circ. Nixes Honduran Armed Robbery Victims' Asylum Bid](#)

[10th Circ. Rejects Venezuelan Army Deserter's Asylum Bid](#)

[Press briefing on award-winning journalist's asylum hearing POSTPONED while court seeks lost records unreviewed by presiding judge](#)

[\[DC\] D.C. Attorney General sues ICE, seeking information on immigrant arrests](#)

[\[TX\] Judge hears arguments for Mexican journalist Emilio Gutiérrez-Soto's asylum](#)

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Enforcement News

[Activists Petition Greyhound To Ban Border Patrol Agents From Its Buses](#)

[\[NY\] Immigrant Detained While Delivering Pizza in June Is Arrested and Accused of Assault](#)

[\[VA\] Former Virginia Tech student to leave U.S. after gun charges dropped](#)

[\[NC\] Man accused of decapitating mother because he 'felt like it' found not guilty](#)

[\[LA\] Illegal immigrant nabbed for narcotics](#)

[\[CA\] Anaheim Father Facing Deportation After Testifying Against Daughter's Molester, Family Says](#)

[\[CA\] 72-Year-Old Man Charged With Raping Intellectually Disabled Woman. ICE Reveals His Immigration Status.](#)

[\[CA\] I spent a Sunday at California's largest immigrant detention center](#)

Executive Office for Immigration Review

Sessions seeks to expand power on immigration cases

[The Hill](#) [10/23/2018 6:00 AM, Lydia Wheeler] reports Attorney General Jeff Sessions appears to be exploring a rule that would expand his judicial power, and that some say would allow him to drastically reshape federal immigration policy. In a notice posted this fall, the Department of Justice (DOJ) announced it is planning to propose a change to the circumstances in which the attorney general can take and rule on immigration cases. Under past practice, immigration experts say attorney generals have only stepped in to affirm or overturn cases once the Board of Immigration Appeals (BIA) has given a ruling. Such interventions by attorney generals have also been rare. Under the new proposal, the attorney general could make rulings on immigration cases before they get to the BIA. The notice in the regulatory agenda, which maps out agency actions for the coming year, said the cases where the attorney general could intervene would include "those pending before the Board of Immigration Appeals but not yet decided and certain immigration judge decisions regardless of whether those decisions have been appealed to the BIA." Plans for the proposed rule were first listed on the spring regulatory agenda released in May. At that time, the expected release date was September 2018. The action has now been delayed until March.

Policy and Legislative News

Trump vows to reduce aid to Guatemala, Honduras and El Salvador as migrant caravan grows

[Washington Post](#) [10/22/2018 6:41 PM, John Wagner and David Nakamura] reports that President Trump vowed Monday to cut off or "substantially" reduce aid to three Latin American nations, voicing fresh frustration as a growing caravan of migrants that originated in Honduras continued to make its way toward the U.S.-Mexico border. "Guatemala, Honduras and El Salvador were not able to do the job of stopping people from leaving their country and coming illegally to the U.S.," Trump said in one of a string of morning tweets on the subject. "We will now begin cutting off, or substantially reducing, the massive foreign aid routinely given to them." It was not immediately clear what payments Trump was alluding to or the extent to which he could act without congressional approval.

Trump also expressed frustration with Mexico's military and police, saying they appear "unable to stop the caravan" and that he has alerted the U.S. Border Patrol and military to what he termed a national emergency. Ahead of the Nov. 6 midterms, Trump has sought to turn the caravan into a symbol of the larger issue of immigration, which the White House believes can be used to drive up turnout among the Republican base. Trump made that point explicitly in another of his Monday morning tweets. "Every time you see a Caravan, or people illegally coming, or attempting to come, into our Country illegally, think of and blame the Democrats for not giving us the votes to change our pathetic Immigration Laws!" Trump wrote. "Remember the Midterms! So unfair to those who come in legally."

The [New York Times](#) [10/22/2018 1:28 PM, Eileen Sullivan, 22322K] reports that President Trump on Monday also said a caravan of migrants making their way toward the United States included "criminals and unknown Middle Easterners," and blamed Democrats for the state of immigration law. The "unknown Middle Easterners" Mr. Trump mentioned are a new cohort on the president's recent list of "bad people" he says want to cross the border into America. The president has also claimed, without evidence, that the Democrats had funded the caravan of migrants heading to the United States. There is no proof of that. Mr.

Trump has threatened to close the southern border in response to the latest caravan of Central American migrant families traveling north toward America.

The [Wall Street Journal](#) [10/22/2018 12:42 PM, Juan Montes] reports that thousands of Honduran migrants gathered in a southern Mexican city early Monday to decide when to embark on a grueling journey to the U.S. border. Some caravan leaders said the migrants, most of whom crossed the Mexican border illegally, would continue their trek north toward the southern state of Oaxaca state later Monday and rest for a few days while debating whether to break up into groups to continue on to the U.S. border. The caravan has swelled to roughly 5,000 since Oct. 12, when several hundred people decided to trek north from San Pedro Sula, Honduras, one of the world's most violent cities. The numbers grew quickly after local media and social activists drew attention to the caravan.

[The Hill](#) [10/22/2018 3:29 PM, Megan Keller] reports that Mexican Ambassador to the U.S. Gerónimo Gutiérrez said Monday his nation does not condone or promote illegal immigration amid sharp criticism from the Trump administration over caravans of migrants approaching the southern American border. "Since this started, Brian, the Mexican government made very clear three things," Gutiérrez told Fox News's Brian Kilmeade on his radio program when asked if Mexico bore some responsibility for the caravan of 7,000 people. "First, that anybody that wanted to enter Mexico should do so in compliance with Mexican immigration law." "Second, that if somebody really had a humanitarian situation and requested refugee status, they could do so with the appropriate authorities in Mexico," Gutiérrez said. "And third, that if it's none of those cases and somebody decided to enter irregularly, they can be obviously subject to repatriation."

"That policy has not changed," he said, adding that Mexico is currently trying to enforce the border laws for those who have crossed illegally, but without any cases of violence. "Mexican government does not condone or promote illegal immigration." Gutiérrez called the situation a humanitarian crisis and emphasized that Mexico is working very closely with the United States on the issue.

The [New York Post](#) [10/22/2018 10:12 AM, Mark Moore, 3705K, NY] reports that on Sunday, Homeland Security Secretary Kirstjen Nielsen said her department would be keeping an eye on any criminal elements that were infiltrating the group as it traveled to the U.S. "While we closely monitor the caravan crisis, we must remain mindful of the transnational criminal organizations and other criminals that prey on the vulnerabilities of those undertaking the irregular migration journey," Nielsen said in a statement. "We fully support the efforts of Guatemala, Honduras and Mexico, as they seek to address this critical situation and ensure a safer and more secure region."

Additional reporting:

[New York Times](#) [10/22/2018 9:11 PM, Anne Pilsbury, 22322K]

[New York Times](#) [10/22/2018 10:45 PM, Azam Ahmed and Caitlin Dickerson, 22322K]

[Los Angeles Times](#) [10/22/2018 10:05 AM, Patrick J. McDonnell and Kate Linthicum]

[NPR](#) [10/22/2018 2:17 PM, Colin Dwyer]

[Politico](#) [10/22/2018 9:38 AM, Mary Lee]

[Politico](#) [10/23/2018 5:05 AM, Christopher Cadelago and Ted Hesson]

[Huffington Post](#) [10/22/2018 10:59 AM, Hayley Miller]

[Bloomberg](#) [10/22/2018 1:42 PM, Toluse Olorunnipa, Nick Wadhams and Eric Martin]

[Breitbart](#) [10/22/2018 10:23 AM, Staff, 2405K]

[The Hill](#) [10/22/2018 9:20 AM, Brett Samuels]
[The Hill](#) [10/22/2018 3:42 PM, Brett Samuels]
[ABC News](#) [10/22/2018 10:58 AM, Matt Gutman and Bill Hutchinson]
[CNN](#) [10/22/2018 4:32 PM, Maegan Vazquez]
[FOX News](#) [10/22/2018 1:58 PM, Greg Norman]
[FOX News](#) [10/22/2018 2:32 PM, Geraldo Rivera, 10787K]
[NBC News](#) [10/22/2018 1:56 PM, Julia Ainsley and Daniella Silva, 3539K]
[UPI](#) [10/22/2018 11:57 AM, Nicholas Sakelaris, 303K]
[USA Today](#) [10/22/2018 1:20 PM, Alan Gomez, 7165K]
[Newsweek](#) [10/22/2018 7:57 AM, Chantal Da Silva]
[People](#) [10/22/2018 11:55 AM, Maria Pasquini]
[Time](#) [10/22/2018 4:37 PM, Katie Reilly, 3468K]
[Townhall](#) [10/22/2018 9:25 AM, Katie Pavlich, 348K]
[Epoch Times](#) [10/22/2018 3:26 PM, Petr Svab, 206K, NY]
[The Daily Caller](#) [10/22/2018 10:51 AM, Will Racke, 909K, DC]
[The Daily Caller](#) [10/22/2018 10:01 AM, Hanna Bogorowski, 909K, DC]
[Washington Times](#) [10/22/2018 1:01 PM, Stephen Dinan, 547K, DC]
[Washington Times](#) [10/22/2018 12:42 PM, Mark Stevenson, DC]
[Washington Times](#) [10/22/2018 12:42 PM, Gabriella Munoz, DC]
[Washington Examiner](#) [10/22/2018 9:05 AM, Katelyn Caralle, 567K, DC]
[San Francisco Chronicle](#) [10/22/2018 7:24 PM, Tal Kopan, 381K, CA]

Trump Claims 'National Emergency,' But Border Patrol Taking Little Action Over 'Caravan'

[Government Executive](#) [10/22/2018 6:54 PM, Eric Katz, 33K] reports that President Trump on Monday told the Homeland Security Department to treat the group of asylum-seeking Central American migrants traveling north toward the U.S. border together as a "national emergency," but the administration has yet to outline any specific steps it plans to take in response to that directive. CBP must have the capacity to immediately turn over immigrants to the Health and Human Services Department's Office of Refugee Resettlement, which David Aguilar, the Border Patrol chief in the George W. Bush and Obama administrations, said also must be "ramped up." The already backlogged judges in the Justice Department's Executive Office for Immigration Review must also prepare for an increased workload. While there are some small steps those agencies can take to prepare, as they did in 2014 when the country saw a dramatic increase in unaccompanied immigrant children, ultimately the fix will require long-term, comprehensive action, Aguilar said. DHS Secretary Kirstjen Nielsen said in a recent tweet the department would enforce all border laws in response to the caravan and warned its members DHS would take "every available measure to prevent your illegal entry."

[USA Today](#) [10/22/2018 10:04 PM, David Jackson, Susan Page and John Fritze, 7165K] reports that President Donald Trump on Monday vowed to send as many troops as necessary to the U.S.-Mexican border to block a growing caravan of Central American migrants, calling their trek "an assault on our country." In an exclusive interview with USA TODAY aboard Air Force One, the president said there were "people from the Middle East" in their ranks, reiterating a claim he made without evidence in a morning tweet. The president declined to say whether his assertion was based on intelligence agencies or some other source. Trump has pummeled Democrats for weeks on immigration, harping on a proposal raised by some in the liberal wing of the party to abolish Immigration and Customs Enforcement.

Trump's response to the migrant caravan will only make things worse

[Washington Post](#) [10/22/2018 6:55 PM, Staff, 11653K] reports that with each passing day, President Trump makes clearer his delight in the political advantage he may extract from the migrant caravan heading north through Mexico. His enthusiasm for forging a genuine solution to the immigration problem at its source? Not so much. Judging from Mr. Trump's Twitter feed, the president seems more inclined to exacerbate the problem – by cutting off U.S. aid to Central America, thereby deepening insecurity and misery there. Those are the very factors that have driven the recent spike in migration, especially by parents and children. On Monday, Mr. Trump began his tweeting day by citing what he called the "National Emerg[ency]" posed by the caravan, which he blamed falsely on Democrats for failing to pass unspecified immigration laws, and on "unknown Middle Easterners" mixed in with the caravan, of which there is zero evidence. He concluded by saying the administration would now sever, or substantially reduce, foreign aid to El Salvador, Guatemala and Honduras. That's a prescription for more migration, not less.

Additional reporting: [Washington Post](#) [10/22/2018 12:43 PM, Paul Waldman, 11653K]

Where Now for the Migrant Caravan Facing Trump's Threats?

[Washington Post](#) [10/22/2018 3:43 PM, Matthew Bristow and Michael McDonald, 11653K] reports that with migrants from Honduras and elsewhere in Central America marching northward toward Mexico's border with the U.S. in a thousands-strong "caravan," U.S. President Donald Trump confronts an issue near to his heart. He's seeking to make undocumented immigration a key issue in midterm congressional elections on Nov. 6 and threatens to cut U.S. aid to Guatemala, Honduras and El Salvador for not "stopping people from leaving" those countries. Under standard U.S. border procedures, the migrants would be detained for not having the required documents and asked whether they're afraid of returning to their home. A person who says "no" will be removed from the U.S. A person who expresses fear of persecution or torture would be interviewed by an asylum officer to establish whether there is credible fear of persecution. About 60 percent of asylum requests are denied, according to data collected by TRAC, a research center affiliated with Syracuse University. Some adults may wait in detention while their asylum case is processed, while families often are released on their own recognizance.

President Trump Threatened to Turn Back Caravan Migrants If They Don't Claim Asylum in Mexico. That's Not Legal

[TIME](#) [10/22/2018 8:13 PM, Maya Rhodan, 3468K] reports that President Donald Trump has said the Central American migrants traveling via caravan should seek asylum in Mexico – and threatened that they will be turned away if they reach the U.S. border. "People have to apply for asylum in Mexico first, and if they fail to do that, the U.S. will turn them away. The courts are asking the U.S. to do things that are not doable!" he tweeted Sunday. Following through on that threat could violate international law, experts say. If migrants like those traveling in the caravan that began in Honduras want to seek asylum in the United States, they have the right to try, says Doris Meissner, the director of the U.S. Immigration Policy Program at the Migration Policy Institute. "We do have an obligation as a country under international law to allow people to apply for protection, even if they have come through another country," Meissner tells TIME. The exception is if there is a "safe third country" agreement in place. Under U.S. immigration law, the United States can deny asylum if a person can be returned to a country where their life or freedom is not in danger, but only if the U.S. has entered into a bilateral or multilateral agreement that codifies the

arrangement. Mexico's Foreign Minister Louis Videgaray reportedly rejected calls for such an agreement when he met with Homeland Security Secretary Kirstjen Nielsen in July.

Divided Democrats struggle to answer Trump's claims on migrant caravan

[Washington Post](#) [10/22/2018 8:31 PM, Sean Sullivan and David Nakamura, 11653K] reports that Democrats are struggling to respond to President Trump and his Republican allies, who are casting the caravan of thousands of migrants headed toward the U.S.-Mexico border as a failure of Democrats to help enact immigration policy in the GOP-controlled Congress. Some Democrats said Trump is vulnerable to a counterattack on his core campaign issue given that his policies failed to reduce the number of unauthorized immigrants. Party leaders and Democratic candidates have largely been silent ahead of the midterm elections, refusing to engage with Trump. Senate Majority Leader Mitch McConnell and his allies have seized on liberal calls to abolish ICE, seeking to link them to Democrats running in red states. This has prompted some Democrats to run ads reassuring voters that they do not endorse that approach. "I support ICE, funding President Trump's border wall," Sen. Joe Donnelly said in a recent campaign commercial.

Nancy Pelosi and Chuck Schumer Tell Democrats: Ignore Migrant Caravan

[Breitbart](#) [10/22/2018 3:31 AM, Neil Munro, 2405K] reports that Democratic leaders are urging their party's 2018 candidates to ignore migration issues even as the fast-growing caravan of migrants walks northwards through Mexico. On Sunday, media reports said the caravan has grown to 7,000 people – up from 3,000 last week – and more people are seeking to join the migration. On Saturday, the Democratic leaders declared "The president is desperate to change the subject from health care to immigration because he knows that health care is the number one issue Americans care about." The statement from Rep. Nancy Pelosi and Sen. Chuck Schumer urged Democratic candidates to ignore public worries about the migration: "Mitch McConnell, Paul Ryan, and Republicans in Washington are making a mess of our health care system, causing premiums to increase and care to decrease while threatening to gut protections for pre-existing conditions. Democrats are focused like a laser on health care and will not be diverted."

Why Mexico isn't stopping the migrant caravan

[Washington Post](#) [10/22/2018 6:25 PM, Kevin Sieff and Josh Partlow, 11653K] reports that as thousands of Central American migrants continue their long walk to the U.S. border, prompting daily condemnations from President Trump, the Mexican government has had to decide: Are Trump's threats enough to prompt an intervention? For now, Mexican police have merely stepped aside as the caravan has passed, watching first as migrants took rafts across the river that separates the country from Guatemala, and then as they continued by foot along the main highway, chanting, "sí, se pudo," or "yes, we did it." That response appears to have been conveyed to the White House, and now, once again, Mexico's most important bilateral relationship appears to be on shaky ground. Detaining or deporting the caravan's members would certainly please Trump, but it would flout the country's own immigration laws and further the impression that the Mexican government is taking orders from a hostile White House. The Mexican police appear to be conscious of that tension, and the optics of their presence. Riot police have stopped to pose for pictures in their gear, as if ready to combat the migrants, letting international television crews film them before retreating.

In Defiance, Thousands of Migrants Move Toward the U.S. They Are Just the Latest.

[New York Times](#) [10/23/2018 3:00 AM, Miriam Jordan] reports a tremendous caravan of migrants from Central America that slowly trekked toward the southwestern border this week, both captivating the world and enraging President Trump and other politicians, is just the latest of several to stretch north toward the United States in recent years. Though the current group appeared to be among the largest, two caravans last year each drew about 350 migrants. Some traveled all the way to the United States, where they applied for asylum. Others sought protection in Mexico. Still others dropped out along the way. In this case, in defiance of the Mexican and American governments, more than 7,000 Central American undocumented migrants have been en route to the United States for more than a week. Mexican officials have said migrants who seek asylum do not have the legal obligation to apply in Mexico, and, thus, many hundreds or thousands are likely to show up at the United States border to request protection.

Only 20 percent of asylum seekers win their cases, which can take years to wind their way through the clogged immigration courts. Meanwhile, many of them are released from detention, especially families, because children cannot legally be detained for more than 20 days. The Trump administration condemns that practice, known as "catch and release," because it enables migrants who are unlikely to qualify for asylum to remain in the United States for an extended time — or possibly forever, though illegally. "While their asylum case is working its way through the court process, the applicant is generally released into the United States and given a work permit — where they wait, often for years," said Katie Waldman, a spokeswoman for the Department of Homeland Security. "If eventually denied asylum, they can simply become part of the illegal population that ICE would have to seek out and remove in the future," she said, referring to Immigration and Customs Enforcement. Others say that the United States has the obligation to follow this process, even as the number of asylum seekers arriving at its doorstep soars.

Homan on Growing Migrant Caravan: 'I Hope the American People Are Paying Attention'

[FOX News](#) [10/22/2018 10:11 AM, Staff] reports that former acting ICE Director Tom Homan blasted Democrats Monday for backing policies that encourage Central American migrants to undertake the dangerous journey to the U.S. border. The migrant caravan, which started with 200 people in Honduras, swelled in size over the weekend to between 5,000 and 7,000 migrants. Homan said Democrats' opposition to the border wall and calls to abolish ICE have a negative effect. "That sends a message to people to make that journey and more people are going to be victimized because of it," he said on "America's Newsroom." Homan said he has seen women raped, people tortured and migrants suffocated to death in the back of a trailer as a result of "criminal organizations" making money by transporting people over the border. "When you have weak immigration laws, that's what happens. These people are at the mercy of criminal organizations," he explained.

The president said last week that if necessary, he'd call in the U.S. military to stop the thousands of migrants attempting to gain illegal entry into the country. Trump tweeted Monday morning that Mexican authorities cannot stop the caravan, claiming "Criminals and unknown Middle Easterners" are traveling in the caravan. The caravan marched toward the Mexican city of Tapachula early on Sunday, escorted by law enforcement. Homan said that the option of military intervention to protect the border is one that needs to be on the table. Homan said he hopes American voters are "paying attention" to the Democrats' views on illegal immigration compared to President Trump. "The president is 100 percent

right on this point," he said. "The vast majority of Democrats don't want to fix this system. They don't want to give this president a win on immigration, a win on the border issue. This is all about putting their political hatred of this president ahead of national security and public safety and ahead of the safety of the American patriots on the line who wear that uniform. It's disgusting," he said. [Editorial note: consult source link for video]

The [Washington Examiner](#) [10/22/2018 10:56 AM, Anna Giaritelli, 567K, DC] reports that Homan suggested Monday that Mexico may be unwilling to stop thousands of Central American migrants from entering its southern border. "As far as Mexican police not being able, I would say maybe not being able – maybe some unwilling." Homan said that, unlike Mexican law enforcement, U.S. Customs and Border Protection officers based at official entry points and Border Patrol agents stationed between ports "won't step aside or step back." "They will defend this line," Homan added. Mexico's Foreign Ministry deployed hundreds of federal police and immigration officers to its border with Guatemala last week as a group of primarily Honduran nationals made its way there. Homan said he knew a year ago that rising monthly apprehension levels of illegal entrants would continue. "It's very frustrating doing this job for 34 years because a lot of this could have been prevented. I've said for over a year if we didn't fix these loopholes it would happen and here it is," said Homan.

[The Daily Caller](#) [10/22/2018 11:55 AM, Amber Athey, 909K, DC] reports that Homan argued on Monday that Democrats purposefully ignore how illegal immigrants are often victimized by criminal organizations during their treks to the U.S. border. Homan explained that Democrats encourage illegal immigrants to come to the U.S. by promising sanctuary cities and abolishing Immigration and Customs Enforcement, but don't consider the unintended consequences of such policies. "This entices more people to want to make this dangerous journey, and these people don't come by themselves. They hire criminal organizations to get to the country," Homan explained. "In my 34 years, I have seen numerous women raped, I've seen children die, you know, making that trip." Homan cited the number of illegal immigrants, including a 5-year-old boy, who suffocated to death inside of tractor trailers that attempt to smuggle them into the United States. "These people are at the mercy of criminal organizations who don't care about them at all. They're a commodity," he continued. "They're there to make money. And this is the other side of the story – this is not just about law enforcement, this is about saving lives." [Editorial note: consult source link for video]

Reported similarly:

[FOX News](#) [10/22/2018 11:04 AM, Staff]

[CNS News](#) [10/22/2018 11:04 AM, Susan Jones]

[Newsmax](#) [10/22/2018 11:21 AM, Sandy Fitzgerald, FL]

DHS Spox: If You Say the Magic Words, 'I'm Scared,' We Let You into America

[Breitbart](#) [10/22/2018 2:17 PM, Robert Kraychik] reports that Homeland Security Spokesperson Katie Waldman said migrants seeking entry to the U.S. are essentially allowed in if they claim to have "credible fear" of unjustifiable persecution in their countries of origin. She offered her remarks on SiriusXM's Breitbart News Sunday in an interview with Breitbart News Deputy Political Editor Amanda House. Waldman said, "I can you tell you with near assurance that if you say the magic words, 'I'm scared,' we let you into the country." Migrants from Mexico and South America have been coached by left-wing lawyers on how to best obtain entry to the U.S. via asylum request.

Legal Immigrant Explains How To Enter America The Right Way And Says Illegals Are A 'Threat To National Security'

[The Daily Caller](#) [10/22/2018 9:50 AM, Nick Givas, 909K] reports that a U.S. immigrant from Nicaragua explained how she legally came to the United States, on "Fox & Friends" Monday, and said those who are coming in illegally are a "threat to national security." Amapola Hansberger referred to the caravan of migrants headed for the U.S. southern border as an "invasion and act of war" against America and said they constitute an "immediate threat." Host Brian Kilmeade asked how Hansberger she was able to come to America legally and she said she simply followed the process. "I went to the embassy, filled out forms. [I] submitted myself to the vetting procession and waited patiently for the embassy to approve my coming," she said. "That's how people should do it." Hansberger claimed there's no way to keep track of those who come over the border illegally and said some of them could be radicalized terrorists who plan to harm American citizens. Hansberger's comments come after President Donald Trump tweeted Sunday that migrants at the southern border who don't apply for asylum in Mexico first will be turned away by American authorities.

Refugees and Asylum

[Washington Post](#) [10/22/2018 3:37 PM, Esmé E Deprez, 11653K] reports that the United Nations has declared asylum to be an inalienable human right, and most countries offer it. The principle is that nations should safeguard people who face persecution or danger when their own countries can't or won't protect them. There have long been debates over who deserves sanctuary, but today the discord goes deeper. In the wake of violence in the Middle East and Afghanistan and parts of Africa and Central America, the number of people seeking asylum has risen to record levels. Attacks in Europe and the U.S. by killers linked to or inspired by foreign jihadist groups have engendered fear that future terrorists lurk among those requesting sanctuary. Critics of pro-asylum policies also worry that taking in refugees can lead to higher crime and unemployment rates. U.S. Attorney General Jeff Sessions has argued that the asylum system is abused by fraudsters who see it as "an easy ticket to illegal entry" into the country. Other critics of U.S. asylum judgments say they are so arbitrary they amount to "refugee roulette." That has promoted the development of a cottage industry of sorts to provide haven seekers with compelling personal narratives that can be exaggerated or false.

Immigration at the Border: This is catch and release

[ABC10](#) [10/22/2018 12:58 PM, Livia Albeck-Ripka, Lilia Luciano and Michael A. Anthony Adams, 20K, ME] reports that in April, the Trump administration announced plans to end the practice of allowing migrants to stay in the U.S. with friends or relatives in the U.S. while their immigration cases are pending — which has previously been described as "catch and release." On June 29, the justice department filed an announcement that it would keep families in detention "during the pendency of" their immigration cases, making the Trump administration's policy one of indefinite family detention official. In the meantime, the administration is rapidly expanding its detention facilities; memos have revealed plans by the U.S. Navy to build sprawling detention camps on remote military bases that could hold tens of thousands of migrants. In late June, the Department of Homeland Security requested space for up to 12,000 beds for families at one of those bases — 2,000 of which they said they wanted up and running in the next 45 days. "This administration is really pushing the boundaries in an attempt to expand detention in a way that we have never seen before," said Joshua Breisblatt, a senior policy analyst with the American Immigration

Council. Under Trump, U.S. Immigration and Customs Enforcement (ICE) is operating a record 40,000 detention beds nationwide.

Is the U.S. really facing a border crisis?

[Los Angeles Times](#) [10/23/2018 3:00 AM, Cindy Carcamo] reports the images convey a deepening U.S. immigration crisis: a two-mile-long stream of more than 7,000 Central American migrants marching into Mexico, heading north toward the United States. President Trump has seized on the mass exodus, taking to Twitter to call it an "assault" on the southern U.S. border. Two weeks shy of the midterm election, he continues to characterize the border as out of control, threatening to send troops there and telling a crowd of supporters in Montana: "Remember it's gonna be an election of the caravan." But is pressure on the U.S. border really getting worse? Overall, illegal immigration has been at historic lows the last several years. The U.S. government gauges trends in illegal immigration by looking at the number of people who are apprehended each year trying to cross the border. That figure climbed steadily from the 1970s through the 1990s, peaking at 1.64 million in fiscal year 2000. It has dropped sharply since then, hitting 303,916 in 2017. Based on the first 11 months of this fiscal year — the most recent data available — the annual total was on pace to rise past 390,000. That would still be lower than all but four of the previous 45 years.

At more than 7,000 migrants, the current caravan is the largest to date. It dwarfs the group of about 1,200 people that garnered extensive media coverage in the spring. Many will probably not be granted asylum. It's perfectly legal to show up at a U.S. port of entry and request asylum. Getting it is another matter. Migrants must first demonstrate to border officials a "credible fear" of persecution based on religion, nationality, political opinion or membership in a particular social group. It can take weeks and even months just to be allowed to enter the U.S. ports of entry for an interview, and encampments have sprung up along the southern border in the last couple of years. Applicants who pass the interview must then make the case before an immigration judge. Decisions can take years because of a shortage of judges and an increase in cases. Between fiscal years 2012 and 2017, immigration judges denied about 75% of the nearly 11,000 asylum cases brought by Guatemalan immigrants, according to the Transactional Records Access Clearinghouse, a Syracuse University project that collects immigration data. The percentage of denials was slightly higher for Salvadoran and Honduran asylum seekers.

[NJ] Immigrants with Temporary Protected Status face bureaucratic hurdles as program winds down

[Asbury Park Press](#) [10/22/2018 11:25 AM, Steph Solis, NJ] reports Luis Muñoz, a father of three from El Salvador who has lived legally in the United States for nearly two decades, was turned away from a Motor Vehicle Commission office in Eatontown earlier this year when he tried to renew his driver's license. He ended up driving illegally for six weeks, risking up to \$500 in fines, before he was able to obtain a new license on his third visit to a state MVC office. Muñoz, 61, of Red Bank, has legal authorization to live and work in the United States under a humanitarian program called Temporary Protected Status, or TPS, which offers renewable work permits and protection from deportation to 430,000 immigrants from countries devastated by natural disaster and armed conflict. In recent months, however, the Trump administration has moved to end those protections for El Salvador and five other countries among the 10 in the program. It has given the affected immigrants a year to 18 months, depending on country of origin, to adjust their status or leave the U.S., allowing them to renew their work permits in the interim for a fee of \$495. But Muñoz and

other TPS holders and their advocates say the renewed permits have arrived in the mail days or weeks late in recent years — delays that they say have only grown longer since Donald Trump became president. Then there is the confusion over the program's status in the wake of the administration's announcements that the protections for most TPS holders will be ending.

A federal judge in San Francisco on Oct. 3 temporarily blocked the administration from ending TPS protections, writing that the affected immigrants "indisputably will suffer irreparable harm and great hardship." The government is expected to appeal. It's not clear how many TPS holders in New Jersey are experiencing delays, but six told NorthJersey.com and the USA TODAY Network New Jersey that they had run into problems with state agencies or their employers as a result. Advocates who are working with those immigrants say they know of several others whose work permits arrived late. The problem is not limited to TPS holders or to immigrants in New Jersey, where 19,700 TPS recipients were living when they applied for the program, according to U.S. Citizenship and Immigration Services. Tammy Lin, an immigration attorney in San Diego, said some of her clients — including asylum applicants and visa holders with temporary work permits — have encountered similar delays while attempting to renew their work permits.

[TX] More Than 500 Migrant Children Held in Texas 'Tent City' for Months

[Newsweek](#) [10/23/2018 5:11 AM, Chantal Da Silva] reports the Trump administration has been housing more than 500 migrant children in tents near Tornillo, Texas since August, with 46 children having been held there since June, a Friday court filing submitted in a Los Angeles federal court by civil rights groups representing migrant children has revealed, according to Reuters. The filing seeks to oppose a government request to exempt the Department of Health and Human Services' (HHS) Office of Refugee Resettlement, which is tasked with overseeing the care of immigrant children in federal custody, from oversight by a court-ordered monitor. Under the 1997 Flores agreement, officials are required to move immigrant children out of detention centers within 20 days, releasing them into the care of guardians or state-licensed shelters. However, it appears that migrant children have been held at the Tornillo "tent city," which does not qualify as a state-licensed shelter, for significantly longer than the 20-day period. In September, the Department of Homeland Security (DHS) said it planned to withdraw from the Flores agreement, which could put the current limit on the number of days an immigrant child can be held in a detention center at risk.

[Reuters](#) [10/22/2018 2:50 PM, Tom Hals and Kristina Cooke] reports that U.S. authorities have held some immigrant children who entered the country illegally and without a parent in a temporary "tent city" in Texas for months, violating a 20-year-old court order on how long minors can be detained, according to court filings by civil rights lawyers and immigration advocates.

[CO] Arrest Raises Questions About ICE Presence At Courthouses

[Aspen Public Radio](#) [10/22/2018 4:54 PM, Wyatt Orme, 1K, CO] reports that last week, agents from the Immigration and Customs Enforcement Agency (ICE) arrested Enrique Garcia Hernandez at the Pitkin County Courthouse. He has two pending felony theft cases, and has been convicted of neither. To learn more, host Zoe Rom sat down with reporter Wyatt Orme. [Editorial note: consult source link for audio]

[AZ] Sens. Jeff Flake, Jon Kyl want answers on migrant releases in Yuma

[AZ Central](#) [10/22/2018 6:56 PM, Yvonne Wingett Sanchez, 669K, AZ] reports that Arizona's two U.S. senators are raising concerns with the Trump administration about the release of hundreds of migrant families in the Yuma area in recent weeks, which they say are overwhelming local authorities as thousands more are traveling in a caravan headed for the U.S. border. Jeff Flake and Jon Kyl, both Republicans, are asking that more be done to help local groups care for the migrants. In a letter, Flake and Kyl asked Homeland Security Secretary Kirstjen Nielsen to assess if there were other resources that could be used to minimize the impact of the releases on border communities. The letter comes as the Senate Homeland Security and Governmental Affairs Committee is expected take up legislation that would increase the Department of Homeland Security's legal authority and capacity to detain migrant families pending immigration proceedings.

[AZ] Homeland Security buses nearly 100 asylum seekers to Phoenix church

[3 TV/CBS 5](#) [10/22/2018 9:00 PM, Carissa Planalp, AZ] reports nearly 100 asylum seekers were dropped off at the Monte Vista Baptist Church in east Phoenix Monday. According to Pastor Elizabeth Cruz, the federal government called the church a couple weeks ago asking for help because they could not legally hold the families any longer. Pastor Cruz said 98 adults and children stepped off Department of Homeland Security buses with paperwork in hand and wearing ID bracelets. Church volunteers fed the families, provided clean clothes and medication if they were sick. "Instead of releasing them to the bus station, to the airport, they are releasing them to the churches," said Pastor Cruz. From there, Cruz said, the families will connect with host families in their journey to reach relatives they can stay with long term. Once settled in, the migrants are expected to attend their immigration hearings. ICE spokeswoman Yasmeeen Pitts O'Keefe confirmed the families were dropped off but she was unable to say how many. O'Keefe also says not all families released from custody are asylum seekers. Cruz said nearly 600 asylum seekers have been transported to churches across the Valley in recent weeks.

[OR] In Oregon, a community responds to imprisonment of migrants

[Albuquerque Journal](#) [10/22/2018 2:19 PM, Andrew Selsky, 59K, NM] reports that with the sun bearing down, Norm and Kathy Daviess stood in the shade of a prison wall topped with coiled razor wire, waiting for three immigrants to come out. It's become an oddly familiar routine for the Air Force veteran and his wife, part of an ad hoc group of volunteers that formed in recent months after the Trump administration transferred 124 immigrants to the federal prison in rural Oregon, a first for the facility. The detainees were among approximately 1,600 immigrants apprehended along the U.S.-Mexico border and then transferred to federal prisons in five states after President Donald Trump's "zero tolerance" policy left the usual facilities short of space. Almost half of those sent to the prison outside Sheridan, an economically struggling town 50 miles southwest of Portland, on May 31 are from India, many of them Sikhs – part of an influx of Indian nationals entering the U.S. in recent years. They also came from Nepal, Guatemala, Mexico and a dozen other countries. "Zero tolerance" made Sheridan an unusual way station for migrants from around the world. Now, those who pass an initial screening and post bond are being released. Norm and Kathy Daviess, along with more than 100 other volunteers – retirees, recent college graduates, lawyers, clergy – have lined up to help.

Since "zero tolerance" took effect in May, everyone who enters the country illegally is charged with a crime. Attorney General Jeff Sessions said the crackdown is necessary to eliminate illegal immigration and because abuse of the asylum system has caused a surge

in illegal border crossings. The migrants were granted access to lawyers after the American Civil Liberties Union of Oregon filed a lawsuit alleging they were held largely incommunicado. The detainees told federal public defenders they were initially confined to cells for up to 23 hours a day. Immigration and Customs Enforcement declined to comment, citing pending litigation.

[CA] Tijuana shelters are full as growing number of asylum-seeking families wait their turn at San Diego border

[San Diego Union-Tribune](#) [10/22/2018 5:00 AM, Wendy Fry, 291K, CA] reports that federal officials are seeing a steep increase in families and unaccompanied minors seeking legal asylum at the in San Diego, and shelters in Tijuana report they are housing record numbers of migrants waiting their turn. The number of people who are part of a family unit seeking legal entry into the U.S. through the San Diego ports of entry in fiscal year 2018, through August, was up 139 percent compared to the same period in 2017. The number was 12,340, up from 5,167. Customs and Border Protection statistics show a 31 percent increase in unaccompanied children during the same period. The majority of unaccompanied children come from Guatemala while the families are overwhelmingly coming from Mexico's interior, the data shows. Others come from Nigeria, Honduras and Pakistan. Tijuana's shelters say they are strained from the number of mothers with children trying to enter the U.S. seeking asylum through the San Ysidro Port of Entry, after the U.S. ended a policy of family separations at the border. Thousands are hunkering down in Tijuana shelters or in tents right outside on the streets.

Legal News

Immigration lawyer says he won't comply with subpoena for source of leaked ICE memo

[ABA Journal](#) [10/22/2018 9:47 AM, Debra Cassens Weiss, 43K] reports that a Centennial, Colorado, lawyer who revealed a leaked internal memo on immigration policy says he won't comply with a subpoena that asks for information about the source of the leak. Immigration lawyer Daniel Kowalski told the Denver Post and the San Francisco Chronicle that he doesn't intend to provide any information about how he obtained the memo. Kowalski posted the memo in the LexisNexis publication he edits, Bender's Immigration Bulletin. The July 11 memo was written by the principal legal adviser for U.S. Immigration and Customs Enforcement. It dealt with how to litigate asylum cases following Attorney General Jeff Sessions' conclusion that immigrants generally are not eligible for asylum as a result of domestic and gang violence in their home countries. The subpoena was sent by a special agent with ICE's Office of Professional Responsibility. Kowalski told the San Francisco Chronicle that, if the government seeks to enforce the summons in federal court, he will resist it. He told the Denver Post he is a journalist protected by the First Amendment and Colorado's shield law. If the government pursues enforcement, "I'm sure a judge will toss it out in a heartbeat," Kowalski told the Denver Post.

6th Circ. Nixes Honduran Armed Robbery Victims' Asylum Bid

[Law360](#) [10/22/2018 5:45 PM, Suzanne Monyak] reports that the Sixth Circuit on Monday rejected a Honduran woman's bid for protection under asylum, finding that her fear of gang violence in her home country did not meet the standard for persecution under the law. In an unpublished opinion, the panel denied review of Sara Rios-Zamora's appeal of her and her daughter's rejected petition for asylum and other protections, finding that Rios-Zamora's

account of an armed robbery of her business by gang members was not sufficient to show that she had been targeted as a member of a particular social group — the necessary criteria to be granted asylum. Fearing gang retaliation for testifying against them, according to the opinion, Rios-Zamora fled Honduras in 2014 with her daughter and crossed the border into the U.S., where they were placed into removal proceedings. Rios-Zamora applied for asylum, listing her daughter as a dependent, as well as for a withholding of removal under the Immigration and Nationality Act and the Convention Against Torture, but an immigration judge denied their petitions and ordered the two removed, according to the opinion. On appeal, the Board of Immigration Appeals upheld the immigration judge's ruling, holding that Rios-Zamora had not demonstrated that the robbery was motivated by her membership in a qualifying social group and that "general crime" was not grounds on which to petition for asylum. Monday's unpublished opinion comes in the wake of U.S. Attorney General Jeff Sessions' BIA decision restricting the ability of victims of domestic abuse and gang violence to qualify for asylum. The government is represented by Joseph A. O'Connell of the U.S. Department of Justice. The case is *Sara Rios-Zamora v. Jefferson Sessions, III*, case number 17-4269, in the U.S. Court of Appeals for the Sixth Circuit.

10th Circ. Rejects Venezuelan Army Deserter's Asylum Bid

[Law360](#) [10/22/2018 7:42 PM, Suzanne Monyak] reports that the Tenth Circuit on Monday denied a Venezuelan army deserter's bid for asylum, finding that his descriptions of retaliation by the Venezuelan military over his perceived political opinions did not amount to persecution under asylum laws. In an unpublished opinion, a Tenth Circuit panel rejected Helegner Ramon Tijera Moreno's appeal of a decision denying his application for asylum, affirming the Board of Immigration Appeals' finding that Tijera Moreno, a former member of the Venezuelan military who claims he was accused of being disloyal to the regime, was not eligible for relief from deportation. Tijera Moreno also claims he was constantly threatened with imprisonment. He applied to retire from the military five times, and was denied each time, the opinion says. Tijera Moreno then deserted the army, fled Venezuela and applied to enter the U.S. in September 2016, seeking asylum, restriction on removal and protection under the Convention Against Torture. An immigration judge denied those applications and ordered him removed; also finding his testimony that he was targeted at the family reunion was not credible because the police report did not corroborate it. The BIA affirmed the immigration judge's ruling on appeal. Tijera Moreno then petitioned the Tenth Circuit for review in March. The Tenth Circuit denied both Tijera Moreno's motion to proceed in forma pauperis, or to waive legal fees based on his indigent financial status, and his motion to have an attorney appointed to him, according to the court docket. The government is represented by Shahrzad Baghai and Madeline Henley of the U.S. Department of Justice, and Jeffrey D. Lynch of U.S. Immigration and Customs Enforcement. The case is *Tijera Moreno et al. v. Sessions*, case number 18-9516, in the U.S. Court of Appeals for the Tenth Circuit.

Press briefing on award-winning journalist's asylum hearing POSTPONED while court seeks lost records unreviewed by presiding judge

[MarketWatch](#) [10/22/2018 1:53 PM, Staff] reports that a briefing on journalist Emilio Gutiérrez-Soto's asylum hearing has been postponed while advocates for the award-winning Mexican reporter wait for an immigration court to find lost records. Advocates for Gutiérrez are available by phone as they await court action. Gutiérrez and his advocates — including representatives of the National Press Club, the University of Michigan's Knight Wallace Journalism Fellowships and the Missouri School of Journalism — waited in an immigration court for more than two hours before learning that the presiding

judge in the case, Robert Hough, could not find key records from the Board of Immigration Appeals. The judge said he has not read the records, which the BIA transmitted to him in May. The records are critical to the case because they include a 500+ page amicus brief signed by numerous journalism and free press organizations. They are the basis for the BIA's decision to order a new asylum hearing.

[DC] D.C. Attorney General sues ICE, seeking information on immigrant arrests

[Washington Post](#) [10/22/2018 4:13 PM, Arelis R. Hernandez, 11653K] reports D.C. Attorney General Karl A. Racine is suing the Trump administration to get more information about an operation this summer that resulted in the arrest of more than 130 undocumented immigrants in the Washington region. Racine submitted a Freedom of Information Act to U.S. Immigration and Customs Enforcement in July asking for records related to Operation Eagle's Shield, in which 12 city residents were taken into custody. Advocates have accused ICE agents of racially profiling and targeting Latino immigrants at random. The federal immigration agency did not respond to Racine's requests within the time limit prescribed by law, so his office is asking the U.S. District Court in Washington to force officials to produce the records.

The [Washington City Paper](#) [10/22/2018 2:00 PM, Mitch Ryals, DC] reports that ICE spokesperson Justine M. Whelan did not immediately respond to a request for comment on the lawsuit, but has said previously that ICE does not conduct raids or indiscriminately target people.

Reported similarly:

[WTOP](#) [10/22/2018 2:14 PM, Mitchell Miller, 272K, DC]
[DCist](#) [10/22/2018 5:00 PM, Elly Yu, 63K, DC]

[TX] Judge hears arguments for Mexican journalist Emilio Gutiérrez-Soto's asylum

[ABC 7 KVIA](#) [10/22/2018 7:20 PM, Joey Carrera, 39K, CA] reports that an immigration hearing for Mexican journalist Emilio Gutiérrez-Soto took place Monday, as part of an effort by the journalist to gain asylum in the United States from threats he believes are associated to his reporting. Officials from U.S. Immigration and Customs Enforcement, the Department of Homeland Security and Eduardo Beckett, the lead attorney for Gutiérrez-Soto, made presentations in the hearing for Gutiérrez-Soto and his son, Oscar. During the hearing, recounts of Gutiérrez-Soto's reporting on information about the Mexican military were brought up. According to arguments, it was these reports that led to the military threatening to kill Gutiérrez-Soto on three occasions, including one at his own home. The presiding judge, Robert Hough, who denied the asylum request of Gutiérrez-Soto in July 2017, stated his ruling will be written and presented at a later date, rather than in a courtroom.

[CA] DOJ Challenge To Calif. Sanctuary Laws Stayed For Appeal

[Law 360](#) [10/22/2018 2:50 PM, Suzanne Monyak] reports that a California federal judge has paused the U.S. Department of Justice's lawsuit challenging several of California's "sanctuary" statutes that protect unauthorized immigrants from federal authorities, blocking the Golden State from conducting discovery in the district court proceedings while the federal government's appeal to the Ninth Circuit is pending. U.S. District Judge John Mendez granted the government's request in a Friday order to stay the underlying case while the Ninth Circuit considers an appeal of his decision to dismiss part of the government's lawsuit. The judge reasoned that it would be inefficient for California to

conduct discovery on the surviving issues in the lawsuit while the Ninth Circuit reviews the dismissal order.

"The Ninth Circuit's ruling may measurably alter the posture of this case. Allowing this action to move forward while that possibility looms in the background risks unnecessary expense and hardship to both parties as they may end up conducting discovery that ultimately falls outside the scope of this litigation," the opinion says. The DOJ asked the court to invalidate the three California statutes in March, arguing that the laws are inhibiting U.S. Immigration and Customs Enforcement officers from doing their jobs and impairing efforts to crack down on illegal immigration on the West Coast.

Enforcement News

Activists Petition Greyhound To Ban Border Patrol Agents From Its Buses

[Texas Standard](#) [10/22/2018 1:47 PM, Becky Fogel, 6K, TX] reports that the American Civil Liberties Union and other groups delivered 200,000 signed petitions to the Greyhound bus headquarters in downtown Dallas at the end of last week. As Stella Chavez with KERA News reports, the ACLU wants the company to stop allowing U.S. Border Patrol agents onto their buses to question passengers. Gathered in a downtown Dallas park, immigrant advocates say Greyhound has the right to refuse Border Patrol agents from boarding their buses without a warrant or probable cause. The campaign, called Transportation Not Deportation, accuses agents of racial profiling and violating passengers' constitutional rights by asking that they prove their U.S. citizenship. Tricia Martinez, senior vice president for Greyhound's legal department, read a statement from CEO Dave Leach. The statement said the company understood customers' concerns but that the searches were legal. She also said Greyhound doesn't coordinate with U.S. Customs and Border Protection.

[NY] Immigrant Detained While Delivering Pizza in June Is Arrested and Accused of Assault

[New York Times](#) [10/22/2018 8:35 PM, Christina Goldbaum, 22322K] reports that an undocumented immigrant garnered national attention in June after he was taken into custody by immigration authorities while delivering a pizza to an Army base in Brooklyn, and was then ordered released by a judge. The delivery man, Pablo Villavicencio Calderon, has been arrested and charged with criminal mischief in the assault of his wife. According to court documents, Mr. Villavicencio, 35, pushed his wife against a wall and slapped her Thursday at their home on Long Island. He then took her cellphone to prevent her from calling the police. On June 1, he made a delivery to the United States Army base in Fort Hamilton, Brooklyn that thrust his future into uncertainty and sent shock waves throughout New York's immigrant community. To gain access to the base, Mr. Villavicencio presented his New York City identification card, which was provided through IDNYC, a program that gives undocumented immigrants a means of proving their identity to city agencies. After examining the identification, military personnel conducted an on-site background check, which showed the open order of deportation from 2010. They subsequently detained him and called Immigration and Customs Enforcement officers, who took him into custody.

[FOX News](#) [10/22/2018 3:29 PM, Nicole Darrah] reports that Immigration and Customs Enforcement (ICE) told Fox News in June that an immigration judge granted Villavicencio voluntary departure in March 2010 but he failed to leave as ordered.

Reported similarly:

[ABC News](#) [10/22/2018 6:06 PM, Staff, 2704K]

[CNN](#) [10/22/2018 6:47 PM, Mark Morales and Eric Levenson]

[NBC News](#) [10/22/2018 8:28 AM, Daniella Silva, 3539K]

[NECN](#) [10/22/2018 2:50 PM, Marc Santia and Pablo Gutierrez, MA]

[New York Post](#) [10/22/2018 12:16 PM, Ruth Brown, 3705K, NY]

[New York Daily News](#) [10/22/2018 1:25 PM, Stephen Rex Brown and Graham Rayman, NY]

[Newsday](#) [10/22/2018 4:07 PM, Chau Lam and Andrew Smith, 306K, NY]

[Gothamist](#) [10/22/2018 1:00 PM, Jake Offenhartz, 235K, NY]

[AM New York](#) [10/22/2018 3:25 PM, Alison Fox, 71K, NY]

[News 12 Hudson Valley](#) [10/22/2018 7:02 AM, Staff, 6K, NY]

[Washington Times](#) [10/22/2018 4:32 PM, Associated Press, DC]

[Daily Mail](#) [10/22/2018 4:33 PM, Valerie Edwards, UK]

[VA] Former Virginia Tech student to leave U.S. after gun charges dropped

[WSLS](#) [10/22/2018 9:10 PM, Tommy Lopez, 27K, VA] reports that a former Virginia Tech international student cleared of gun charges last month decided on Monday night to leave the country. Attorneys for Yunsong Zhao say he has decided to fly to Canada Tuesday. He decided to drop his immigration case, and now ICE agents are scheduled to release him from their custody tomorrow. This comes after a judge recently denied him bail in an immigration hearing, according to his attorneys, who told 10 News last month that he wanted to stay in America and pursue a law degree. He's no longer facing criminal charges in the United States. In a case that received national attention, the Chinese national was accused of using a magazine that's illegal for non-citizens to use with an assault rifle.

[NC] Man accused of decapitating mother because he 'felt like it' found not guilty

[ABC 7 Chicago](#) [10/22/2018 2:06 PM, Staff, 4K, IL] reports that a young man accused of decapitating his mother has been found not guilty by reason of insanity. Investigators said Oliver Mauricio Funez Machado admitted to brutally killing his mother in their Franklin County home on March 6, 2017. Machado told a 911 operator in a flat, monotone voice, he did kill her "because I felt like it." "What was she doing? Did she make you mad? Or what happened?" the dispatcher asked on the call. The unemotional quality of Machado's tone was striking as the clearly horrified 911 operator continued to question him about the brutal killing. In October 2017, a judge decided that Machado was not mentally capable to stand trial. In May, the Franklin County district attorney decided to not seek the death penalty in Machado's case. Federal officials also said Machado was in the country illegally at the time of the murder and that they issued an immigration detainer for him. "ICE is focused on identifying, arresting and removing public safety threats, such as convicted criminal aliens and gang members, as well as individuals who have violated our nation's immigration laws," a U.S. Immigration and Customs Enforcement spokesperson told ABC11.

Reported similarly: [WQRF](#) [10/22/2018 12:44 PM, Staff, IL]

[LA] Illegal immigrant nabbed for narcotics

[KARD](#) [10/22/2018 9:12 AM, Sharon Cummings, 5K, LA] reports that Union Parish sheriff's deputies have arrested an illegal immigrant on numerous narcotic-related charges. Julian Flores Pastor, 36, of 825 Camp Rd., Farmerville, was booked into the parish detention center on five counts of possession of Schedule II, two counts of possession of Schedule IV

narcotics, three counts of possession of a legend drug, one count possession of marijuana and drug paraphernalia. Sheriff Dusty Gates said Pastor's total bail was set at \$28,500 and that UPSO informed ICE officials of his arrest. Pastor, through the interpreter, told deputies that he had found the small bottle containing suspected meth on the ground and brought it home and that he had bought the pills "off the street" and did not have a prescription for any of them. Pastor also told investigators he is not a U.S. citizen and is illegally in the country.

[CA] Anaheim Father Facing Deportation After Testifying Against Daughter's Molester, Family Says

[KTLA](#) [10/22/2018 11:51 PM, Kristina Bravo, Elizabeth Espinosa and Courtney Friel, 212K, CA] reports that an undocumented Anaheim man picked up by immigration officials after appearing in court to seek a restraining order against his daughter's molester could be deported Tuesday, his family said. Immigration and Customs Enforcement detained Marcos Villanueva while he was out at breakfast with his family on Aug. 8, just two days after he testified in court to defend his 12-year-old daughter, according to his lawyer and loved ones. She had accused her 51-year-old uncle of molesting her, attorney Willard Bakeman told KTLA. A judge dismissed the case in July due to lack of evidence, the Orange County Register reported. The family believes the uncle tipped off ICE in retaliation. According to ICE, an immigration judge previously ordered Villanueva's deportation in 2005. Bakeman told the O.C. Register that Villanueva failed to go to court at the time because the notice didn't indicate a time or location. "While ICE continues to focus its enforcement resources on individuals who pose a threat to national security, public safety and border security, the agency does not exempt classes or categories of removable aliens from potential enforcement," public affairs officer Lauren Mack said in a statement.

[CA] 72-Year-Old Man Charged With Raping Intellectually Disabled Woman. ICE Reveals His Immigration Status.

[Daily Wire](#) [10/22/2018 11:57 AM, Hank Berrien, CA] reports that according to police in Springfield, Missouri, a 72-year-old man allegedly repeatedly raped an intellectually disabled woman whose mental capacity is that of an eight-year-old child. Patricio Romero-Enriquez, who was charged by prosecutors with three counts of rape, allegedly told police that he indeed had sex with the woman but insisted it was a consensual act and that the woman was a neighbor of his. Breitbart News reported, "An official with the Immigration and Customs Enforcement agency confirmed to Breitbart News that ICE has placed a hold on the illegal alien so that should he be released from prison at any time, he will be turned over to federal immigration officials for prosecution."

[CA] I spent a Sunday at California's largest immigrant detention center

[Los Angeles Times](#) [10/22/2018 4:15 AM, Wendy Paris, 3575K] reports that Adelanto is the largest immigration detention center in California and the largest privately-run adult immigration detention center in the country. It was in the news in late September, because the Department of Homeland Security's Office of the Inspector General issued a "management alert" about it, flagging serious violations of Immigration and Customs Enforcement's health and safety standards. The report is a gory read, based on findings gathered during an unannounced visit that federal inspectors made to Adelanto in May. The inspectors found nooses fashioned from bedsheets hanging in 15 of the 20 cells they examined. They also reported that there had been one suicide and at least three suicide attempts by hanging at the center.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

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Wednesday, Oct. 24, 2018

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Policy and Legislative News

Migrant caravan almost within 1,000 miles of U.S. border

[UPI](#) [10/23/2018 9:56 AM, Clyde Hughes, 303K] reports a group of thousands of Central American migrants making a high-profile trip to the United States are about 1,000 miles from the U.S.-Mexico border, amid increasing warnings from government officials. The first wave of migrants, now totaling about 7,200 overall, reached Huixtla Monday night, which put them about 1,100 miles from the nearest U.S-Mexico border entry in McAllen, Texas. Mexican officials, along with the United Nations, directed 640 migrants to its National Institute of Migration to seek asylum, while 500 received help returning to Honduras and Guatemala. The Mexican government said 900 others will be deported after they unlawfully entered Mexico. Pueblo Sin Fronteras, a human rights group that provides aid and legal assistance to migrants, organized the caravan, its second since April.

There Is No Easy Way for Trump to Stop the Latest Caravan

[Atlantic Monthly](#) [10/23/2018 8:12 AM, Priscilla Alvarez, 3386K] reports President Donald Trump is fuming over a U.S.-bound migrant caravan. Trump has placed blame on Democrats, threatened to cut aid to Honduras, Guatemala, and El Salvador, and urged an overhaul of the nation's immigration laws despite Congress being out of session.

One solution requires quickly and vastly expanding the immigration courts so that asylum hearings can be held in days or weeks, doing away with the need to release families waiting for their hearing dates. Sessions has been hiring immigration judges and plans to add at least 75 more this fall, which could speed up the process. But far more judges would have to be brought on to effectively end "catch and release." The administration is also reportedly considering ways to deport people more quickly and extend the use of ankle monitors, which have been used to track immigrants awaiting their hearings. John Sandweg, who served as a counselor to then-Secretary of Homeland Security Janet Napolitano and as the acting director of ICE from 2013 to 2014, agrees that deportation might work as a deterrent, but that, too, requires time and resources.

[CBC](#) [10/23/2018 4:24 PM, Staff, Canada] reports the United Nations estimates the huge caravan currently making its way from Honduras toward the U.S.-Mexico border, is about 7,200 people strong. It's expected that, as seen with the last caravan earlier this year, many people may leave the group, or choose to stay in Mexico, before they get to the border. The group has been getting a lot of attention, especially from Trump, leading some to believe this is a new phenomenon. According to U.S. Citizenship and Immigration Services, upon arrival at the U.S. border, the caravan asylum-seekers would surrender themselves to the U.S. Customs and Border Protection Agency. Providing they have not had a previous asylum claim rejected by the U.S., they are eligible to make an affirmative asylum request. The process can take months or even years. According to a 2017 Reuters analysis of data from the Executive Office for Immigration Review, the unit of the U.S. Justice Department which oversees immigration courts, where an asylum seeker is from, and in what state he or she makes a claim, can greatly influence an immigration judge's decision.

The Latest: Senators want deal with Mexico on asylum seekers

[Washington Post](#) [10/23/2018 6:18 PM, Associated Press] reports U.S. senators are urging the Trump administration to make an agreement with Mexico that would stop some of the 7,000 people traveling north from crossing the border. Senate Judiciary Chairman Chuck Grassley and Sen. Mike Lee, both Republicans, say a "third-party" agreement would require those asking for asylum to do so in their first country of arrival. Most of the caravan has come from Honduras and other Central American countries and are currently in Mexico. Many have said they are coming to the U.S. to seek a better life, which would not qualify them for asylum under U.S. laws. In the letter to the Department of Homeland Security and the State Department on Tuesday, Grassley said asylum seekers arriving to the European Union must register their claims in the first country of arrival.

[FOX News](#) [10/23/2018 7:02 PM, Gregg Re and Mike Emanuel, 10787K] reports that such an arrangement requiring asylum seekers to make their claims in their first country of arrival, the senators noted, would also take some pressure off the overworked asylum system in the U.S., which has been increasingly inundated with claims – the "vast majority" of which Trump administration officials have called fraudulent or legally dubious – that judges must adjudicate. Homeland Security officials said Tuesday that among the thousands of migrants heading for the United States border are some "gang members" and people with "significant criminal histories." Department spokesperson Tyler Houlton said on

Twitter that the caravan includes citizens not only of Central American countries, but also of the Middle East, Africa, South Asia and "elsewhere."

The Latest: Mexico: 1,699 Hondurans have filed for asylum

[FOX News](#) [10/23/2018 2:20 PM, Staff, 202K] reports the government of Mexico says refugee applications have continued to rise from Honduran migrants who were part of a caravan heading through the country. The Interior and Foreign Relations Departments report in a statement that immigration authorities have now received 1,699 applications. Those people are no longer with the caravan and are being sheltered in the city of Tapachula, in the southernmost state of Chiapas. The other migrants have pushed on as a group to the town of Huixtla but are still at least 1,000 miles from their goal, the United States. The statement estimated their numbers at about 4,500; the United Nations has said they were some 7,000. The government also says that 495 Hondurans have voluntarily decided to return to their home country with assistance from Mexico. The group is still over 1,000 miles from the nearest U.S. border crossing.

[VOA News](#) [10/23/2018 11:08 AM, Lisa Shlein, 1028K] reports more than 45 U.N. refugee staff have arrived in Tapachulas, Chiapas State, Mexico — and others are on their way. Job one is to stabilize a chaotic situation with more than 7,000 people in a migrant caravan on the march toward the United States. The UNHCR says conditions on the ground appear to be somewhat calmer and more orderly than in previous days. But that could change according to UNHCR spokesman, Adrian Edwards. The UNHCR teams are also going to register asylum seekers, identifying those who are particularly vulnerable with specific needs as a way of streamlining the process. So far, about 1,000 people have sought asylum in Mexico, Edwards says. But, he adds thousands more are likely to continue on toward the United States — and many of them will be seeking asylum.

Michael Cutler to Newsmax TV: US Asylum Law Being Exploited

[Newsmax](#) [10/23/2018 1:46 PM, Eric Mack] reports the liberal media's support for the lawlessness of the migrant caravan working through Central America to the U.S. border is justifying the abuse of well-intentioned asylum laws and exploiting it for political purposes, according to former Immigration and Naturalization Services special agent Michael Cutler. "The media is mischaracterizing it as a caravan of migrants, immigrants, and refugees — it's a caravan of aspiring illegal aliens," Cutler told "The Brett Winterble Show" on Newsmax TV on Tuesday. "The United States has the most generous immigration system in the world. We admit more than a million lawful immigrants every year; we grant political asylum to thousands of people; we admit tens of millions temporary visitors. It's not as though we are not letting people into America. But there needs to be an orderly process so that aliens entering America — remember, people who are not citizens, aliens that is to say — do not have an inherent right to be here." Cutler, a Jewish American whose family was decimated in the Holocaust, said "look, I am a big fan of political asylum," but this approaching caravan seeks to abuse of the policy so many others in the world truly need.

The [Washington Examiner](#) [10/24/2018 12:00 AM, Dino Teppara, 567K, DC] reports that the ongoing caravan from Guatemala, Honduras, and El Salvador and our lax asylum laws are the very reason why President Trump has insisted on building a border wall and implementing a merit-based immigration system. He knows that all someone has to do is get to the southern border, say the magic word "asylum," and they will essentially be given a free pass to the promised land. He also knows that with the way our court system treats

asylum applicants once they are here, the odds are high that law enforcement and immigration personnel will never see that person again. The first thing to understand about the caravan is this: It is far easier to arrive illegally at our southern border, claim asylum, and enter the country with certain legal protections in place than it is to legally immigrate here with a visa.

Another U.S.-bound caravan takes shape, this one from El Salvador

[NBC News](#) [10/23/2018 2:49 PM, Julia Ainsley and Mariana Atencio, 3539K] reports that as the Trump administration makes preparations to combat the 6,500-member Honduran migrant caravan making its way toward the United States, the Department of Homeland Security is also tracking a new caravan taking shape – this time from El Salvador, according to two U.S. officials, a local source on the ground in Central America and an internal U.S. government report obtained by NBC News. The El Salvadoran caravan is still forming, but its members have plans to begin their journey northward toward the U.S. next week, according to the sources. The internal report indicates that DHS is tracking the communications of caravan members, including a 230-member WhatsApp group that intends to leave on Oct. 31. The caravan's movement is likely to trigger fierce backlash from President Donald Trump who has stoked fear about El Salvadoran migrants, particularly because nationals from the Central American country began the dangerous MS-13 gang. Immigrants from El Salvador, Honduras and Guatemala, many of whom travel as families and claim asylum, have presented a challenge for border agents as their numbers have surged under the past two presidential administrations. The Trump administration would like to see Central Americans be stripped of the right to remain in the United States while they pursue asylum claims, a senior administration official told reporters on a call on Tuesday. Under current law, only nationals from contiguous countries, such as Mexico, are sent back across the border without appearing before an immigration judge. DHS also released new numbers on Tuesday that showed a rise in border apprehensions from August to September. Although it is normal for border crossings to rise as the weather cools, the number of migrant families was particularly high, up from 16,483 in August to 20,120 in September. In total, U.S. Customs and Border Protection arrested or denied entry to 521,090 immigrants at the U.S.-Mexico border in fiscal year 2018, which ended Sept. 30, a significant jump from 415,417 the year prior.

Additional reporting:

[Reuters](#) [10/23/2018 12:11 PM, Delphine Schrank and Sofia Menchu, 4724K]

[Breitbart](#) [10/23/2018 7:24 PM, John Binder, 2405K]

A previous migrant caravan faced the same federal scrutiny. Here is how that turned out

[USA Today](#) [10/23/2018 9:54 PM, Alan Gomez] reports President Donald Trump has painted a dark picture of the caravan of Central American migrants marching north toward the U.S., accusing participants of being criminals, "Middle Easterners" and political pawns paid off by Democratic operatives, all intent on illegally crossing the border. But a quick look at another migrant caravan that reached the U.S. earlier this year paints an entirely different picture. In that case, about 1,500 people started their journey in southern Mexico, but the caravan dwindled down to a few hundred by the time they reached the Mexican border with California in April. And according to federal data, most of them did exactly what they said they were going to do: presented themselves at U.S. ports of entry and applied for asylum. According to data and congressional testimony from U.S. Citizenship and Immigration

Services officials, 401 members of that caravan requested asylum at ports of entry, a legal right enshrined in U.S. law and international conventions the U.S. is party to. Federal officials interviewed those asylum-seekers and found 374 of them, or 93 percent, passed the first test on the path toward asylum, where they must demonstrate that they have a "credible fear" of returning to their home country. That's higher than the 76 percent approval rate that all asylum-seekers received in fiscal year 2018, according to Citizenship and Immigration Services data.

Department of Justice data through the first nine months of fiscal year 2018 shows that the majority of asylum-seekers who pass their credible fear test (85 percent) don't end up filing a formal asylum application. The Trump administration has cited that practice as proof that the asylum system is being taken advantage of. "The extremely low bar for establishing credible fear is ripe for fraud and abuse," said Michael Bars, a spokesman for U.S. Citizenship and Immigration Services. "In other words, a credible fear referral doesn't equal asylum status, but it does earn a free ticket into the U.S., allowing individuals to disappear into the interior to live and work illegally." Even for those who do submit an asylum application, only a small fraction (22 percent) ultimately get approved for asylum. The Department of Homeland Security says it is not tracking the outcome of asylum cases for the spring caravan members. And a spokesperson for the Department of Justice, which handles the asylum process, would not say whether its officials are tracking those cases.

Migrant Caravan Driven by Hope but Uncertain of Success

[New York Times](#) [10/23/2018 11:12 PM, Kirk Semple, Annie Correal and Maya Averbuch, 22322K] reports that soon after dawn on Tuesday, the mayor stood on the central plaza of his town here in southern Mexico and took stock. Thousands of migrants — men, women, entire families — had wandered into town the day before, many on foot, and turned the humble commercial district into a vast makeshift encampment. They had filled every square foot of the plaza, including its band shell, and jammed the sidewalks and storefronts, sprawling on cardboard, blankets, plastic sheeting and spare clothes. Municipal trash cans were buried under mounds of garbage. But the town's mayor, José Luis Laparra Calderón, was upbeat, even cheerful. In cities and villages, along rural byways and in town squares, the migration has been propelled by an outpouring of support — from the local authorities, community groups and individuals who have handed out free food and water, secondhand clothes, diapers, blankets and loose change to help the procession move northward. Tuesday was Day 12 of the migrant caravan, which began in Honduras and has grown in size and force like an avalanche, pushing north toward the United States. In cities and villages, along rural byways and in town squares, the migration has been propelled by an outpouring of support — from the local authorities, community groups and individuals who have handed out free food and water, secondhand clothes, diapers, blankets and loose change to help the procession move northward. By some estimates, the caravan numbers more than 7,000; officials here in Huixtla estimated that about 5,000 had spent Monday night in their town. Some plan to apply for asylum in the United States, while others know that their only chance of entry is the illegal way. Still others haven't thought that far ahead, at least not in any detail.

Trump concedes 'no proof' of Middle Easterners in caravan

[Politico](#) [10/23/2018 5:01 PM, Elana Schor] reports President Donald Trump acknowledged on Tuesday that he has "no proof" for his claim that a migrant caravan approaching the U.S. southern border includes "Middle Easterners" but suggested he could eventually back up

the assertion. Pressed by reporters after signing a water bill alongside lawmakers in both parties, Trump said "there's no proof of anything," when asked about his assertions that there are Middle Easterners in the caravan, adding "but there could very well be." He insisted that "I have very good information" to support his claim. His administration sought to reorient its condemnation of the migration away from alleged terrorism and toward other alleged criminal activity. Department of Homeland Security spokesman Tyler Houlton tweeted that his agency "can confirm that there are individuals within the caravan who are gang members or have significant criminal histories." DHS did not respond on the record to a request for data supporting that claim. Trump's admission of no evidence for his claim about the caravan came hours after Vice President Mike Pence endorsed his assertion at a Washington Post event, further bolstering the White House's attempt to make political hay out of the migration. Pence said that "it's inconceivable that there are not people of Middle Eastern descent in a crowd of more than 7,000 people." He added that the caravan is "an issue in this election," linking the group of migrants to "traffickers" who are "taking advantage of not only our porous border but loopholes in our laws." Asked for data supporting Pence's claim, a DHS spokeswoman said that U.S. Customs and Border Protection has prevented "10 known or suspected terrorists from traveling to or entering the United States every day in fiscal year 2017" using land, air, or sea-based modes of transport — not strictly the southern border. The DHS spokeswoman also identified enforcement actions during the current fiscal year against more than 3,000 "special interest aliens" from nations potentially linked to potential terrorist, gang, or other criminal activity. Enforcement actions during the current fiscal year have included that type of migrant from 22 nations, according to DHS, including countries outside the Middle East such as Russia and Indonesia.

[Newsweek](#) [10/23/2018 12:49 PM, Cristina Maza, 1720K, NY] reports that on Tuesday, President Donald Trump's son, Donald Trump Jr, took to Twitter to claim that Central Americans traveling towards the United States in a caravan of immigrants are harboring terrorists, but the article he shared was based on information completely unrelated to the caravan. "The caravan thing is an obvious political stunt, but what better way to get terrorists into the country than imbed them in the flood? Leftist policies just endanger our kids," the President's son tweeted, together with a blog post that claimed 100 Islamic State terrorists had been apprehended in Guatemala.

[Breitbart](#) [10/22/2018 1:51 AM, John Binder, 2405K] reports Sen. Jeff Flake -- who is leaving office after his term -- says President Donald Trump is wrong to "emphasize the criminals" among a 7,000-strong migrant caravan headed to the U.S.-Mexico border to overwhelm the country's asylum and immigration system. During an interview with CNN's Jake Tapper, Flake criticized Trump for saying that there are "criminals and unknown Middle Easterners" that are "mixed in" with the migrant caravan of mostly Central American nationals who are economic migrants. Flake also admits that the migrant caravan is made up mostly of foreign nationals fleeing crime and looking for jobs, neither of which are grounds for asylum in the U.S.

The [Washington Times](#) [10/23/2018 4:23 PM, Stephen Dinan, 547K, DC] reports that Venezuela is funding the illegal immigrant caravan, Vice President Mike Pence said Tuesday, backing up President Trump's claims that there are bad elements within the thousands of people. Mr. Trump said he doesn't have specific proof to back up his claim a day earlier that Middle Easterners are part of the caravan, but said there "could very well be." The president also said he's become good at estimating crowds, and figures there are

10,000 people coming as part of the caravan. Mr. Pence, standing with Mr. Trump in the Oval Office, reported he'd spoken earlier in the day with the Honduran president, who'd told him the caravan was organized by "leftist groups" and funded by Venezuela, a country deeply at odds with the administration.

Additional reporting:

[Bloomberg](#) [10/23/2018 4:27 PM, Jennifer Epstein and Justin Sink, 55864K]

[Huffington Post](#) [10/24/2018 12:48 AM, Nick Visser, 9094K]

[Yahoo!](#) [10/23/2018 5:19 PM, Hunter Walker, 273889K]

American foreign aid can be catalyst for change

[The Hill](#) [10/23/2018 10:20 AM, Rep. Michael C. Burgess, M.D, 2630K] reports at this moment, there are caravans of people, including thousands of unaccompanied children, trekking through Central America and Mexico to reach the southern border of the United States. Because of Democrats' empty promises to grant amnesty, rumors of open borders have spread throughout Central America and spurred thousands of families to pay coyotes to bring their children and family members across the desert to the United States. Those children who survive the journey and are apprehended by U.S. Customs and Border Protection are brought to shelters run by the Department of Health and Human Services' Office of Refugee Resettlement. I first introduced legislation back in July 2014 that would reduce America's foreign assistance to the countries that send their children to be cared for in the United States. My reasoning is two-fold: First, America's taxpayers should not be charged twice for the same purpose, in both foreign assistance and HHS-ORR funding. Second, America's taxpayer dollars must not be permitted to continue to line the pockets of corrupt government officials; Congress must ensure that American aid reaches the organizations on the ground that are truly working to create a better life for these citizens. Last week, after President Donald Trump tweeted his support for this plan, the cable news circuits were ablaze with outrage at the suggestion of reducing foreign aid to those in need. Quite simply, American taxpayer dollars are much better spent helping to provide a better life for those in El Salvador, Guatemala and Honduras than spent caring for their children in HHS-ORR custody.

[The Hill](#) [10/23/2018 8:30 AM, Earl Anthony Wayne, 2630K] further reports President Trump's demands for neighboring governments to stop the most recent migrant caravan heading to the U.S. from Central America highlight the pressing need for a region-wide strategy to deal with migration flows. With the current caravan, the government of Mexico is caught between the forceful U.S. requests for action and portions of its own society sympathetic to the migrants. The caravan is also a test for Mexico's incoming president, Andres Manuel Lopez Obrador, who takes office Dec. 1. Rather than using threatening tweets to spur action the United States needs to build a comprehensive approach with Mexico and Central American neighbors to better manage migration in the short and longer term. A broader approach should address enforcement issues along the migration routes, which are the top U.S. priority. A larger temporary worker program that addresses both U.S. labor market needs and the need for additional income in neighboring southern countries would also be a very mutually beneficial part of the solution.

Fact from fiction: What you should know about the migrant caravan making its way to the US Border

[Think Progress](#) [10/23/2018 11:21 AM, Luke Barnes and Rebekah Entralgo, 480K, DC] reports as many as 7,000 Central Americans are making their way to the U.S.-Mexico border, and along with them are a wealth of misinformation and conspiracy theories regarding their motives and character. While this isn't the first migrant caravan to make its way to the U.S.-Mexico border under the Trump administration, it is the largest -- and with midterm elections only two weeks away, this one has elicited the most strident response from Republicans and the White House, who are leaning on the caravan to stoke anti-immigrant fears in the minds of voters. President Trump has repeatedly threatened to detain and deport anyone from the caravan for crossing the border illegally, but seeking asylum at a port of entry is completely legal. While it isn't clear what path the caravan plans to take to arrive at the U.S.-Mexico border, many plan to do just that. According to recent reports, the caravan is currently more than 1,000 miles away the closest border crossing at McAllen, Texas. The influx of migrants planning to claim asylum at the border comes as the administration has been criticized for its treatment of asylum seekers more broadly. Despite the administration's repeated assertions that asylum seekers who come through ports of entry will not be arrested, a recent Amnesty International report found that the federal government may have violated international human rights law when immigration officials detained or turned away hundreds of asylum seekers at border ports of entry over the past year.

Why the migrant caravan is not a border crisis

[The Hill](#) [10/23/2018 7:30 AM, Elizabeth Oglesby, 2630K] reports a Central American migrant caravan grew over the weekend to an estimated 7,200 people, consisting of mostly Hondurans. The caravan is heading north from the Mexican border town of Tapachula, amid intense media scrutiny. This is not a border security crisis, and we should greet the caravan with compassion, not fear. That visibility allows us to see more clearly the plight of Central Americans and the legacy of U.S. involvement in the region, as well as the social and moral failings of our immigration and border policies. As U.S. border enforcement became more punitive, it turned migration into a lucrative vehicle for organized crime. Their numbers are a direct result of the unconscionable policy of deporting people even when they have deep social and family ties to the United States.

US Rep. Joe Kennedy III urges Trump administration to end crack down on sponsors for migrant children

[MassLive](#) [10/23/2018 12:49 PM, Shannon Young, 167K, MA] reports that U.S. Rep. Joe Kennedy III, D-Brookline, called on the Trump administration Tuesday to stop the Office of Refugee Resettlement from sharing unaccompanied minors' fingerprints and other information with immigration enforcement agencies -- a policy which he argued has scared away potential sponsors who could care for these kids outside of government facilities. Kennedy, who recently visited the Tornillo detention facility that houses immigrant children, urged U.S. Department of Health and Human Services Secretary Alex Azar to immediately rescind or modify a May 2018 Memorandum of Agreement that mandates continuous information sharing on unaccompanied minors in ORR care with Immigration and Customs Enforcement and Customs and Border Protection.

U.S. Apprehended Record Number of Migrant Families At Southwest Border

[NPR](#) [10/23/2018 6:22 PM, Joel Rose] reports the White House says it's seen a "record-shattering surge" of migrant families at the Southwest border in the past year -- and wasted no time trying to blame those rising numbers on what it calls "loopholes" in U.S. immigration

law. More than 161,000 migrant families members were apprehended or found inadmissible at the Southwest border in FY 2018, which ended last month. That's according to figures released today by U.S. Customs and Border Protection. The number of family members apprehended by immigration agents has been rising steadily since the summer, to a record total of more than 20,000 in September — despite the Trump administration's policy, which it's since abandoned, of separating migrant families at the border to deter illegal immigration. Overall, the number of undocumented immigrants apprehended at the border last year held steady at about 521,000. That's a slight decline from the fiscal year 2017 total, and far below the high-water mark of the 1990s and 2000s, when more than a million apprehensions a year was routine. But a senior administration official insisted that comparison is misleading. "This is a crisis that is unprecedented in our history," the official said on a conference call with reporters. A generation ago, the official said, the vast majority of immigrants were adults from Mexico, and most could be deported quickly. But that is not the case with migrant families and unaccompanied children from Central America, many of whom are seeking asylum in the U.S.

[Breitbart](#) [10/23/2018 3:44 PM, Staff, 2405K] reports that families crossing the US-Mexico border illegally surged to a "crisis" level in September as Trump administration policies failed to deter the inflow of migrants from Central America, officials said Tuesday. The US Border Patrol apprehended 16,658 people who arrived in the country as families last month, some 900 more than August and nearly 12,000 more than September one year ago. The surge was reported as President Donald Trump has called a caravan of some 7,000 migrants planning to traverse Mexico to the southern US border a "national emergency" and threatened to close the border completely to halt illegal immigration. US Customs and Border Protection said for the full fiscal year that ended September 30, a total of 521,090 people without immigration documents have been apprehended or blocked at the Mexico border.

[VOX](#) [10/23/2018 4:00 PM, Dara Lind, 3169K, DC] reports that in September 2018, for only the second time since the government started keeping records, more than half of people caught by Border Patrol agents at the US-Mexico border were parents traveling with their children or children traveling alone. The Trump administration sees this as a crisis — and as proof that the extra protections in US law for children, families, and asylum-seekers need to be modified or eliminated to stop people from coming into the US without papers. While the Trump administration is eyeing family separation as something that could stop families from coming if they could only keep it in place for longer, neither the 2017 pilot nor the widespread 2018 policy had the effects that officials hoped for at the border. Neither did Obama's efforts to expand family detention in fall 2015. There is some evidence that fewer people come to the US without papers when the asylum-seekers who do come are sent back. Apprehensions dropped in summer 2014 as Mexico took a larger role in apprehending Central Americans, and again in early 2016 after the Obama administration launched ICE raids of families who'd come in 2014 but missed their court dates.

The [Washington Times](#) [10/23/2018 9:43 AM, Stephen Dinan, 547K, DC] reports that illegal immigration across the southwest border appears to have surged 25 percent in 2018, setting new records for migrant families nabbed by the Border Patrol. More than 107,000 illegal immigrant parents and children traveling together were caught by the Border Patrol in fiscal year 2018, shattering the old record of about 78,000 set in 2016. September was also the worst month on record for families, with 16,658 people caught in that month alone by the Border Patrol — higher than even the worst years of the Obama administration. The

number of people caught is considered a yardstick of the overall flow, so a rise in apprehensions is considered to signal a rise in people who successfully sneak in. The numbers come as President Trump is pushing for more action to deter illegal immigration, with a caravan of thousands more illegal immigrant families from Central America heading north. The Border Patrol nabs illegal immigrants attempting to cross between the ports of entry. Customs and Border Protection officers, meanwhile, police the official ports — and stop tens of thousands more illegal immigrants who show up demanding entry.

Additional reporting:

[US News & World Report](#) [10/23/2018 5:47 PM, Yeganeh Torbati, 3264K]

[Breitbart](#) [10/23/2018 6:18 PM, Staff, 2405K]

Migrant Apprehensions Along U.S.-Mexico Border Up 30 Percent in 2018

[Breitbart](#) [10/23/2018 3:06 PM, Bob Price, 2405K] The arrests of migrants by Border Patrol agents between ports of entry along the U.S. border with Mexico jumped 30 percent in Fiscal Year 2018. Agents apprehended nearly 400,000 migrants, including more than 150,000 minors and family units. During the just-ended Fiscal Year 2018, U.S. Border Patrol agents apprehended 396,579 migrants between ports of entry after they illegally crossed from Mexico, according to the FY2018 Southwest Border Migration Report released by U.S. Customs and Border Protection Tuesday afternoon. The arrests represent a 30 percent over the previous year's total of 303,916.

[The Daily Caller](#) [10/23/2018 3:26 PM, Will Racke, 909K, DC] reports that more than a half million people tried to cross the southwest border without authorization in fiscal year 2018, an increase of about 100,000 over the previous year's total that was spurred by a surge in family migration from Central America. A total of 521,090 people were either arrested or deemed inadmissible at U.S. ports of entry along the border, according to Customs and Border Protection figures released Tuesday. That compares to 415,517 in fiscal year 2017, a year that saw historically low levels of illegal immigration in the months after President Donald Trump assumed office.

Caravan furor stokes wall fight

[The Hill](#) [10/24/2018 6:00 AM, Alexander Bolton] reports that President Trump and Republicans have made illegal immigration a central issue in the homestretch to the 2018 midterm elections, setting up a showdown over the U.S.-Mexico border in December. Senate Majority Leader Mitch McConnell (R-Ky.) and Speaker Paul Ryan (R-Wis.) forestalled a fight over Trump's border wall before the election by punting consideration of the Homeland Security appropriations bill until the lame-duck session. When lawmakers return, they won't be able to avoid a fight over the spending measure, as funds for the Department of Homeland Security will run out on Dec. 7. But how it plays out could be determined by what happens on Nov. 6.

Trump's latest exercise in fear-mongering is the most shameless yet

[Washington Post](#) [10/23/2018 3:28 PM, Max Boot, 11653K] reports President Trump has made clear who he views as his core supporters: nativists with memory issues. Once again, there is a caravan of Central American refugees heading toward the United States, and once again the president is acting as if the barbarian hordes were at the gates. He has even made up, out of thin air, accusations that suspicious Middle Easterners are mixed in with the desperate men, women and children fleeing crime and poverty. This is an absurd

insinuation that is refuted by all the reporters who are covering the caravan and also by U.S. intelligence. There is even less cause to imagine, as Trump suggests, that the Democrats must be paying these pitiful souls to flee their homes and walk thousands of miles on foot. Perhaps the refugees are coming here because they want to collect the free automobiles that Trump – also falsely – claims that the Democrats are eager to give to illegal immigrants? But Trump doesn't need any facts to fuel his fear-mongering. With his typical understatement, the president tweets: "Sadly, it looks like Mexico's Police and Military are unable to stop the Caravan heading to the Southern Border of the United States. Criminals and unknown Middle Easterners are mixed in. I have alerted Border Patrol and Military that this is a National Emergency. Must change laws!"

WH sees migrant march as motivation for midterm voters

[FOX News](#) [10/23/2018 10:37 AM, Staff, 10787K] reports President Trump rallies voters for a change to immigration policy; Kevin Corke reports from the North Lawn on the Republican pitch. [Editorial note: consult source link for video]

The [San Diego Union Tribune](#) [10/23/2018 6:15 PM, Kate Morrissey, 291K, CA] reports that two weeks before the midterm elections, the Trump administration reiterated its wishes to hold immigrant children in detention facilities for longer and significantly alter the asylum system as it released fiscal year-end data on border apprehensions. The White House has worked to make immigration a focal point of Republican platforms in the November elections while Democratic leaders have tried to concentrate the debate on healthcare. The senior administration officials called for an overhaul of the asylum system, saying that many asylum claims are fraudulent. When asked about evidence of fraud, they pointed to the number of asylum cases that are denied each year. According to the Executive Office for Immigration Review, the agency responsible for immigration court, judges granted asylum in 43 percent of cases in fiscal 2016, the most recent statistics available. For defensive asylum cases, which would include asylum seekers who made their claims at the border, 31 percent won their cases. Immigration judges distinguish between losing a case and submitting a frivolous claim.

Additional reporting: [FOX News](#) [10/24/2018 3:00 AM, Howard Kurtz]

'They carve you up with a knife': Trump is even more hyperbolic about immigration now than in 2016

[Washington Post](#) [10/23/2018 9:58 AM, Amber Phillips, 11653K] reports President Trump launched his long-shot presidential campaign in 2015 by declaring Mexican immigrants were drug dealers, criminals and rapists. Three years later, Trump is again facing a tough campaign in which he — or, more accurately, his party — seems likely to face some heavy losses. And so, in the final weeks before November's midterm elections, Trump is falling back into his trademark hard-line anti-immigrant rhetoric. Whereas Trump in 2016 allowed for some nuance that, say, "some" immigrants in the country illegally might be good people, in 2018, he routinely describes cities "overrun" with violent, illegal immigrant gangs. In 2016, he focused plenty on murders allegedly committed at the hands of immigrants in the country illegally, but now, he seems to revel in describing the violence committed at the hands of immigrants in the country illegally. Whereas in 2016, the Washington establishment was to blame for all this, in 2018, it's the Democrats.

The immigration conversation we need to have — and soon

[Washington Post](#) [10/23/2018 7:15 PM, Megan McArdle, 11653K] reports that just in time for the midterms, a caravan of migrants, thousands strong, is wending its way north from Central America toward the U.S. border. And, lo, it's time for another national conversation about immigration. As usual, that conversation has started unproductively, with Trump's declaration – on no apparent evidence – that there are criminals and "unknown Middle Easterners" mixed in with the migrants. The conversation might easily end unproductively, too, with Democrats condemning his unsubstantiated claims, then hastily changing the subject to something else. If that's all, just the usual hackneyed, base-pleasing rhetorical points lobbed across the ideological divide, that would be a shame.

Public charge' rule blamed for 'chilling effect' among immigrants

[Minnesota Public Radio](#) [10/23/2018 5:53 PM, Riham Feshir, 12K, MN] reports that when Jane Samuelson was expecting a client for her regular appointment at the food assistance office in Albert Lea, she thought she'd be weighing the woman's baby, talking about solids and sippy cups and printing out vouchers for food and formula. Instead, the public health nurse in Freeborn County heard the woman and her husband say they wanted to drop out for fear she'd be labeled a "public charge." "Their opening words were, 'We want you to discontinue our WIC service. We don't think it is in our best interest to continue to participate,'" Samuelson said, adding that it was an unusual request. "They didn't want anything that would have a continued date of participation associated with them in our files." The woman is from the Philippines. She is a lawful permanent resident with a green card and is married to a U.S. citizen. The couple has a 4-month-old baby boy. Green card holders are exempt from the proposed "public charge" rule, which would put new federal regulations in place around who's allowed to come to the United States and who's seeking adjustment of immigration status. The WIC program is also exempt. Still, some lawful permanent residents, like Samuelson's client, have considered canceling their public benefits for fear that their participation would hinder their ability to become citizens.

[WI] 'Crimmigration': How the intermingling criminal justice and immigration systems disproportionately affect Southeast Asians

[Badger Herald](#) [10/23/2018 5:01 PM, Haidee Chu, WI] reports April 14 marked the first day of the 2018 Khmer New Year. 67-year-old Sophal Chuk was grocery-shopping at Viet Hoa Market in Monona that morning in preparation for the big day. At home, Chuk's wife waited for her husband's return. But instead of welcoming a familiar face, she found herself answering questions from Immigration and Customs Enforcement officials searching for her husband. "ICE came knocking at our door, and my mom didn't know who it was," Molly Bennett, Chuk's daughter, recalled. "She was like, 'Oh, he's at the store' — how did they know which store he was at?" ICE tracked down Chuk and brought him to the Dodge County detention center, but he was "bounced around" from one place to another, Bennett said. The family did not get to see Chuk that day. When Bennett and her family were finally able to see Chuk, he looked pale and had already suffered a minor stroke from stress. His family was worried about his physical and mental health. Chuk fled Cambodia for the U.S. and was lawfully admitted in 1985, ICE said. But a judge issued a final order of removal — a deportation notice — in 2004, 15 years after he was criminally convicted in Illinois and served time in prison. Chuk is not alone in this struggle, however. In September, the 4-day ICE operation in Wisconsin accounted for 83 detainees — 20 from Dane County — more than half of whom have criminal histories. One Thai man with a criminal conviction and one Vietnamese individual were taken. Katrina Dizon Mariategue, director of national policy at the Southeast Asia Resource Action Center, said the immigration and criminal justice

systems have become more intersected in recent years as a result of legislative actions from the past two decades. But this phenomenon disproportionately affects Southeast Asian immigrants. Today, they are three to five times more likely to be deported based on old criminal convictions than other immigrant groups.

[TX] Texas Shelters Overwhelmed with Influx of Migrant Children

[Breitbart](#) [10/23/2018 12:23 PM, Bob Price, 2405K] reports that immigration shelters in Texas are being overwhelmed by the massive numbers of unaccompanied minors who crossed the border from Mexico in recent months. The influx of migrant children placed more than 5,000 minors into shelters, according to the Texas Health and Human Services Commission. As of October 18, immigration officials placed 5,385 mostly Unaccompanied Alien Children into shelters in Texas, the state agency responsible for oversight and regulation of shelters funded by the federal government reported. The number of children sheltered increased from 5,099 in the previous month. The Washington Post reported leaked preliminary numbers from the Department of Homeland Security (DHS) that claims Border Patrol agents arrested 16,658 Family Unit Aliens in the Rio Grande Valley Sector during September — an increase of 80 percent from July. "Our nation faces a dangerous crisis on the border that threatens American communities," DHS Spokeswoman Katie Waldman told Breitbart News in response to an inquiry about the leaked report. "Congress refuses to close catch-and-release loopholes in the law that would allow authorities to detain and remove family units safely and expeditiously. While we do not have official numbers to report at this time, current trends indicate enforcement efforts against single adults entering illegally have been hugely successful," Waldman explained. "However, the removal of actual family units, or those posing as family units, has been made virtually impossible by Congressional inaction — which will most likely result in record numbers of families arriving illegally in the United States this year."

[TX] Udall, Heinrich, O'Rourke Demand Answers from HHS on Detained Unaccompanied Migrant Children

[KRWG](#) [10/23/2018 4:51 PM, Office of the Sen Tom Udall D-NM, 2K, NM] reports that U.S. Senators Tom Udall and Martin Heinrich and U.S. Representative Beto O'Rourke urged U.S. Department of Health and Human Services Secretary Alex Azar to provide information on the operations and conditions of the temporary tent facility in Tornillo, Texas housing detained unaccompanied migrant children. In a letter to Azar, the lawmakers demanded answers regarding the expansion of the Tornillo facility, and new administration policies that are seemingly prolonging detention of children and deterring sponsors from coming forward to take custody of the detained children. The lawmakers also sought responses to questions on the Trump administration's April 2018 Memorandum of Agreement requiring Office of Refugee Resettlement share information about unaccompanied migrant children with Immigration and Customs Enforcement, including new policies that may be deterring potential sponsors and prolonging detention of minors in ORR care. "We write to express our deep concern about [HHS'] expanded operations of the temporary facility for unaccompanied alien children at Customs and Border Protection Tornillo, Texas, Land Port of Entry," the lawmakers wrote.

[CA] Donald Trump's said Californians are rioting over sanctuary cities. They aren't.

[CNN](#) [10/23/2018 5:10 AM, Chris Cillizza, 25865K] reports over the weekend at a campaign rally for Sen. Dean Heller (R) in Nevada, President Donald Trump said this: "I don't think we like sanctuary cities up here. By the way, a lot of people in California don't want them,

either. They're rioting now. They want to get out of their sanctuary cities. You know, there's a big turn being made, folks. A lot of these sanctuary cities you've been hearing about in California and other places, but California, they want to get out, they're demanding they be released from sanctuary cities." While Trump's language makes it somewhat unclear what exactly he means, he is suggesting that Californians are up in arms -- to the point of rioting - about sanctuary cities (places where undocumented workers are not turned over for deportation) in their state. The problem with Trump's claim is that there is no actual evidence of riots in California over sanctuary cities.

Legal News

Art Arthur: Migrants Use 'Torture Loophole' to Blunt Sessions' Asylum Protection Ruling

[Breitbart](#) [10/23/2018 9:00 PM, Robert Kraychik] reports Art Arthur, resident fellow in law and policy at the Center for Immigration Studies, explained how migrants use a "torture loophole" to gain access to the U.S. He offered his remarks in a Monday interview with Breitbart News Senior Editors-at-Large Rebecca Mansour and Joel Pollak on SiriusXM's Breitbart News Tonight. Arthur's analysis was made against the backdrop of an approaching caravan of migrants — originating in Central America — demanding entry to the U.S. [Editorial note: consult source link for audio]

ICE Targets Critics For Deportation, Advocacy Groups Say

[Law360: Immigration](#) [10/23/2018 9:06 PM, Suzanne Monyak] reports that U.S. Immigration and Customs Enforcement has surveilled and targeted for deportation undocumented immigrant activists who speak out against U.S. immigration policies, a new lawsuit filed Tuesday in a Washington federal court alleges. Several immigrant advocacy groups accuse ICE, housed under the U.S. Department of Homeland Security, of suppressing their First Amendment rights by retaliating against the agency's critics, including by detaining the groups' prominent activists and initiating removal proceedings against them. They are asking the court to declare that the alleged practices violate the First Amendment and to enjoin the agency from continuing its alleged retaliatory conduct nationwide. A spokesperson for ICE declined to comment on pending litigation. Case number 2:18-cv-01558, in the U.S. District Court for the Western District of Washington.

What It's Like To Be An Immigration Lawyer In The Trump Era

[WBUR](#) [10/24/2018 5:00 AM, Laura Murray-Tjan, MA] reports that I was at my favorite restaurant on Cape Cod, eating dinner alone at the sushi bar when the young chef, who was torching the sheets of seaweed he held in his bare hand, asked me — an immigration lawyer — a painful question. "Has anything about your job really changed under Trump?" After a few swirls of my tea, I responded: "Yes, it has." The chef and I had been talking about an upcoming green card interview that I was particularly nervous about. He was puzzled. He knows I am no newcomer to my job — I've been practicing law for almost two decades. I've represented immigrants in countless high-stakes hearings. Judges and opposing counsel respect me. I am thorough, tough and confident. Or am I? That's the problem, I explained. A lawyer's comfort in a courtroom, or even in a consultation, comes from knowing what to expect, including the potential surprises. But with the Trump administration throwing ninja stars in all directions, lawyers are left guessing what

innovative grounds for denials or deportation the government will come up with. All this uncertainty made a green card interview appear disproportionately scary.

[NC] Colleges Fight New Visa Policy For Foreign Students

[Law 360](#) [10/23/2018 6:13 PM, Suzanne Monyak] reports a group of higher education institutions, including Haverford College and The New School, challenged a recent Trump administration policy that could open up more international students to harsh immigration penalties, saying in a lawsuit filed in North Carolina federal court Tuesday that the policy change will hurt both the students and American universities. The institutions — which include two private liberal arts colleges, a research university and a district of community colleges — slammed U.S. Citizenship and Immigration Services' new policy, effective Aug. 9, which changed the way the agency calculates the number of days a nonimmigrant foreign student has been present in the U.S. without legal permission. Under the new policy, USCIS will backdate the clock, tracking accrued days of unlawful presence to the date the student initially fell out of status rather than starting the clock at the later date that the agency formally concludes there has been a violation. After the student has been unlawfully present for 180 consecutive days, the student is barred from re-entering the U.S. for three years, and after being unlawfully present for a year, the student is barred from re-entry for a decade. The new policy applies to immigrants and their dependents here on F student visas, J exchange visitor visas, and M vocational student visas, the agency said. According to the lawsuit, there were 1.2 million individuals in the U.S. on F or M visas and 210,000 individuals on J visas as of March 2018. Under the previous policy, set in 1997 by the agency then known as U.S. Immigration and Naturalization Service, unlawful presence for foreign students and exchange visitors, whose visas last for the "duration of status" rather than until a clear expiration date, began running on the day USCIS found a violation or when an immigration judge ordered the applicant removed.

[FL] Don't Toss Suit Over Miami-Dade ICE Detentions, Court Urged

[Law 360](#) [10/23/2018 8:03 PM, Nathan Hale] reports members of a proposed class action challenging Miami-Dade County's policy of enforcing all U.S. Immigration and Customs Enforcement detainment requests have urged a federal court not to dismiss their suit, saying their claims that the county is violating individuals' constitutional rights without authority are viable. The lawsuit, originally filed July 20, alleges that the county's policy of holding individuals at the federal government's request for up to 48 hours so immigration authorities can apprehend them violates the Fourth and Fourteenth amendments, state law against unlawful imprisonment and state constitutional search and seizure and due process protections. In their response on Monday to the county's Sept. 24 motion to dismiss, the named plaintiffs — two local business owners identified only as C.F.C. and S.C.C., who have been detained under the policy, the Florida Immigrant Coalition and WeCount Inc. — rebutted arguments that the district court lacks jurisdiction, that they failed to include the federal government as an indispensable party and that they failed to establish a claim, because the county was acting under the color of federal authority. The named plaintiffs focused substantially on their position that the county is, in effect, making new arrests when it detains individuals after they are eligible for release but lacks the authority to make an arrest for violations of federal immigration law, which are civil infractions.

ICE detainers fall short of satisfying this requirement, the plaintiffs argue, because the orders at most indicate that the targeted individuals may be eligible for removal from the country, which is only a potential civil violation of immigration law. The named plaintiffs also

emphasized that their claims are focused on the policies and actions of the county, which they characterizes as "voluntary and independent" decisions. The county argued in its motion that the district court lacks jurisdiction to hear the case and that the claims belong in immigration court. But the plaintiffs said restrictions on jurisdiction, found in the Immigration and Nationality Act, cover only decisions by the U.S. Department of Homeland Security "to commence proceedings, adjudicate cases, or execute removal orders against any alien," and not the county's policies. Similarly, the plaintiffs countered the argument that the federal government is an indispensable party to the case, saying they are not challenging any federal policies, decisions or actions regarding enforcement of immigration law.

[TX] News Roundup: A Mexican Journalist Facing Death Threats At Home Has Asylum Hearing In El Paso

[Texas Standard](#) [10/23/2018 1:04 PM, Becky Fogel, 6K, TX] reports that a Mexican journalist will learn whether he will be granted asylum in the United States early next year. He's been seeking it for a decade. Emilio Gutiérrez-Soto appeared before an immigration judge in El Paso Monday. His case gained national attention after federal officers in west Texas detained him and his son for months after a routine immigration check-in. They were released this past July. The judge hearing the case previously denied Gutiérrez-Soto asylum, but has been forced to rehear his case by the Board of Immigration Appeals, part of the U.S. Justice Department.

Reported similarly: [KRWG Las Cruces](#) [10/23/2018 8:25 AM, Mallory Falk, 2K, NM]

Enforcement News

The Trump Administration Seeks to Deport an Abuse Victim Who Fears for Her Life

[The New Yorker](#) [10/24/2018 5:00 AM, Dave Eggers, NY] reports that five years ago, Abbie Arevalo-Herrera and her young daughter Marcela waited with a group of migrants on the south bank of the Rio Grande for the right moment to cross the river and enter the United States. Soon afterward, Arevalo-Herrera and her daughter crossed the river, and were apprehended by U.S. Border Patrol agents and brought to a processing station in McAllen, Texas. Last month, I met her in an office at the First Unitarian Universalist Church in Richmond, Virginia. She wore an orange short-sleeved T-shirt that read "Happy Halloween." Her skinny jeans revealed a bulky ankle bracelet that U.S. Immigration and Customs Enforcement has required her to wear for the past three years. Arevalo-Herrera came to the United States hoping to apply for asylum. The fact that she and her family currently live in the church are due, in large part, to a controversial Department of Homeland Security practice by which immigrants are given a "Notice to Appear" in court that bears no date or time. In thousands of instances, they are never told when to show up, and are tried in absentia, with few if any options to reopen their cases.

Tech Companies Are Profiting Off ICE Deportations, Report Shows

[Fortune](#) [10/23/2018 9:45 AM, Erin Corbett, 1201K] reports tech and data companies are building-and profiting from-the Trump administration's deportation machine, providing local, state, and federal law enforcement agencies with the data analysis and tracking software necessary for a massive web of surveillance, a new report shows. The "ICE Tech Contracting for Person-centric Immigration Enforcement" report, prepared by Empower LLC and commissioned by the Latino and immigration rights organizations Mijente, the National

Immigration Project, and the Immigrant Defense Project, details an expansive network, and shows that key tech companies-including Amazon, Palantir Technologies, and Forensic Logic-are profiting from it. The Department of Homeland Security's expansive network of person-centric data systems, built for an information-sharing initiative between various levels of law enforcement, poses not only a threat to immigrant communities, but to marginalized communities, activists say. Information Technology spending accounts for nearly 10% of DHS's budget, or \$6.8 billion, making it the largest IT budget in the federal government, according to data from the DHS Congressional Budget Justification FY 2019.

Reported similarly: [The Hill](#) [10/23/2018 6:04 PM, Ali Breland, 2630K]

[CT] Pedestrian identified in fatal Danbury accident

[News-Times](#) [10/23/2018 4:47 PM, Dirk Perrefort, 67K, CT] reports that police have confirmed the identity of a 43-year-old city man who was killed after being struck by a car on White Street over the weekend. Police said the incident occurred shortly before 2 a.m. on Sunday when Jose Yupangui, 43, was attempting to cross White Street on foot near the intersection with Ives Street. He was struck by a Honda Accord driven by 18-year-old Jhon Penaherrera. On July, 25-year-old Samuel Cruz-Coctecon was hit by a car on White Street while fleeing ICE agents who had been waiting for him at the Danbury Superior Court ahead of a sentencing hearing on a domestic assault charge. He recovered from his injuries but has since been detained by immigration officials.

[NY] LI pizza deliveryman once detained by ICE released on bail

[Newsday](#) [10/23/2018 7:34 PM, Chau Lam, 306K, NY] reports that a Nassau judge on Tuesday ordered a Hempstead pizza deliveryman once detained by federal immigration officials to stay away from his wife in the wake of a charge stemming from a domestic altercation against him, and set a November trial date for the case. Pablo Villavicencio, 35, a married father of two from Ecuador, was freed on bail Tuesday morning after he appeared briefly at his arraignment before a judge in First District Court in Hempstead. He had been jailed over the weekend. Villavicencio, whose immigration status became a cause célèbre among immigration activists after he was detained delivering a pizza at Fort Hamilton in Brooklyn in June, was arrested Friday and charged with criminal mischief after a domestic altercation, authorities said Monday.

[FOX News](#) [10/23/2018 4:24 PM, Greg Norman] reports that Villavicencio had pleaded guilty over the weekend to a criminal mischief charge and formerly was held on bail of \$500 bond or \$250 cash.

Reported similarly:

[New York Post](#) [10/23/2018 12:38 PM, Lorena Mongelli and Ruth Brown, 3705K, NY]

[CBS New York](#) [10/23/2018 6:06 PM, Staff, 145K, NY]

[The Daily Caller](#) [10/23/2018 2:16 PM, Amber Athey, 909K, DC]

[WCSI-AM](#) [10/23/2018 11:01 AM, Staff, IN]

[VA] Ex-Virginia Tech student Zhao leaving U.S., attorney says

[Roanoke Times](#) [10/23/2018 2:15 PM, Jeff Sturgeon, 75K, VA] reports that Yunsong Zhao was due to leave the United States on Tuesday, ending an ordeal in which the Chinese national and gun buff briefly attended Virginia Tech and then spent months in custody on grounds he posed a danger to the community. Zhao left by choice, his attorney, Jessica

Sherman-Stoltz, said by email Monday night. The 20-year-old Zhao had spent more than seven months in custody at the Montgomery County jail and a federal immigration detention center in Virginia — more time than he'd spent living and studying in Blacksburg on a student visa — and he recently elected to withdraw his request for asylum and depart, Sherman-Stoltz said. In an early October interview before Zhao decided to leave, she described him as "just tired of being detained." The U.S. Immigration and Customs Enforcement Agency has held Zhao at its facility in Farmville. Through his attorney, he said he wanted to continue his education in the United States and become a police officer or attorney — if only he could get released.

[VA] More than 100 detainees in residence at Caroline Detention Center

[Fredericksburg Free Lance-Star](#) [10/23/2018 9:00 PM, Adele Uphaus-Connor, 27K, VA] reports that the first detainees arrived at the Caroline Detention Center on Sept. 4 and more than 100 are now living there, U.S. Immigration and Customs Enforcement spokeswoman Justine Whelan said. Whelan said that "generally speaking," the detainees arrived at the center from ICE's Washington field office, which has responsibility for D.C. and Virginia. "On a case-by-case basis, folks may come from all over," she said. According to the terms of the contract Caroline signed with ICE in July, none of the detainees are younger than 18. The detainees are "male and female immigrants who have entered the U.S. illegally," the press release issued by the county in July stated. In the contract, ICE requested "accelerated ramp-up" of the former jail facility to make it ready to house detainees within 180 days of signing. The federal government will pay the county \$123.15 per bed per day according to the contract, although that is for a minimum of 224 detainees. Payments will be made monthly for the previous month beginning Oct. 1, the contract states.

[WI] Madison man arrested by ICE hopes to be able to stay in country with his family

[FOX 47](#) [10/23/2018 9:12 PM, Amanda Quintana, 0K, WI] reports that it's been about a month since U.S. Immigration and Customs Enforcement agents arrested at least 83 people while on a four-day operation in Wisconsin. Sergio Victor, 22, was one of the 20 people arrested in Dane County. He was arrested while carpooling to a construction job, along with his father, uncle and two co-workers. He is currently out on \$20,000 bail. He said he is experiencing anxiety and depression because of the arrest, but he is thankful to the city of Madison officials and police who spoke out for those detained and the many people who donated to the fund to release him. Victor is preparing for his own deportation hearing, although a date has not been set yet. The only crime he faces is being undocumented. Victor is hopeful a judge will let him stay in the country he grew up in because of his contributions to the community, and to care for his 3-year-old daughter. Immigration attorney Alexandra Daggett said it is hard to get a judge to grant that approval.

[TX] Accused Murderer Traveling with Migrant Minor Arrested at Texas Border

[Breitbart](#) [10/23/2018 2:28 PM, Bob Price, 2405K] reports that Border Patrol agents assigned to the Rio Grande Valley Sector arrested a Salvadoran migrant who illegally crossed the border with his minor son and a large group of families. Court records indicate the man is wanted for murder in South Carolina. McAllen Station agents came upon a large group of families and unaccompanied minors who had just crossed the border illegally on Saturday near Hidalgo, Texas. The agents took the group into custody and transported them to the McAllen Station for processing and a biometric background investigation. Agents found court records from the sheriff's office in Richland County, South Carolina, indicating the Salvadoran national is wanted for murder, according to Rio Grande Valley

Border Patrol officials. The agents found the man in the company of his 13-year-old son. Later that day, agents assigned to the Falfurrias Border Patrol Checkpoint in Brooks County, Texas, disrupted an attempt to smuggle an illegal immigrant through the checkpoint. Agents arrested the man and transported him to the Falfurrias Station for processing and a background investigation. During the investigation, the agents learned the man is a documented member of the 18th Street gang.

[TX] Immigrant's death in local jail under investigation

[KWTX](#) [10/23/2018 1:42 PM, Paul J. Gately, 25K, TX] reports that the McLennan County Sheriff's Office is looking into the death of a man who was in custody at the privately-run Jack Harwell Detention Center in Waco. Sheriff Parnell McNamara said Lorenzo Ochoa-Figueroa, of Zacatecas, Mexico, died of what appears to have been natural causes last Thursday night while in custody at Harwell. Ochoa-Figueroa, 53, was in custody on a U.S. Immigration and Customs Enforcement detainer, charged with illegal re-entry into the United States, federal court records show. The federal criminal complaint says Ochoa-Figueroa, also known as Florentino Rendon-Mata, Lorenzo Ochoa, Lorenzo Figueroa-Ochoa, Florentino, Matia Rendon and Florentino Rendon, was arrested June 5 after ICE agents discovered him among the population of the Williamson County Jail, where he was being held on a family violence charge, took custody of him and moved him to the Waco facility, where he was booked in June 6.

[CO] Syed Irbaz Shah Wants to Be Deported, So Why Is He Still Here?

[Westword](#) [10/23/2018 8:41 AM, Chris Walker, 128K] reports after an immigration judge ordered Syed Irbaz Shah removed from the United States, his lawyer did what his law firm always does whenever a client is deported with no chance of coming back: He closed the case. Aaron Hall hardly considered it a defeat, though; the attorney with the Joseph Law Firm in Aurora was actually happy to put the case to rest. His client wanted to be deported. As soon as Shah received his removal order on June 4, it was Hall's understanding that U.S. Immigration and Customs Enforcement would facilitate his client's deportation immediately. Hall reopened the case, then pressed ICE and the nearest Pakistani consulate, in Houston, for an explanation of the deportation delay. Today the Pakistani national remains in the Aurora immigrant detention center where he's been held since February. Hall has never received a clear answer from ICE regarding why the agency arrested Shah. But with no end in sight to his incarceration in Colorado, Shah asked Hall to petition an immigration judge to order his removal. His removal order expired September 4. After repeated prodding, ICE finally sent this statement: "Shah remains in ICE custody while the agency continues to work with the Government of Pakistan to secure a travel document and effect his removal from the U.S."

[NE] How A Massive ICE Raid Changed Life In One Small American Town

[BuzzFeed](#) [10/23/2018 9:01 AM, Hamed Aleaziz] reports on the day her life changed and the small town where she lives was divided, Angelica crouched inside a cramped compartment on the back of a truck used to transport pigs to the pork processing plant where she worked in rural Nebraska. It was a muggy August day and her job was thankless: hose down the cells and clean the feces left from the previous haul. It was a long way from her native Guatemala, but Angelica, 30, and her husband, Walter, 31, liked the sleepiness of northern Nebraska, a place where all one sees for long stretches on the highway are pockets of yellow and purple wildflowers, acres of thick cornfields, and the occasional gigantic bale of hay. Everything had been hard in Guatemala — to be safe, to find work,

merely to live — but here, in the tiny town of O'Neill, where they'd lived since 2016, they'd found some refuge. Their 7-year-old daughter went to elementary school here and they'd had another baby girl, four months earlier. But on this day, she heard the voices of Immigration and Customs Enforcement agents. "Stay where you are! Don't move!" a male voice shouted from outside the garage as Angelica washed the trucks. The men in dark vests that read "POLICE Homeland Security Investigations" surrounded the garage, telling her and her fellow workers to come out with their hands up. Their 4-month-old girl and 7-year-old daughter would not have their parents that day — and their future in O'Neill, and America, was now uncertain. The ICE operation on Aug. 8 resulted in the arrests of 118 suspected undocumented workers — mostly in Nebraska — at multiple worksites, including a hydroponic tomato greenhouse, a pork producing plant, a potato factory, and a cattle company. Some laborers were placed in ICE detention, while many were released and told to go to immigration court for their deportation proceedings. It was one of the largest worksite raids in years and part of a major push by the Trump administration to increase enforcement efforts at workplaces across the country.

[CA] Anaheim Father Scheduled for Deportation Is Still in ICE Custody Within U.S., Official Says

[KTLA](#) [10/23/2018 10:14 AM, Anthony Kurzweil and Megan Telles, 212K, CA] reports that an Anaheim father expected to be deported Tuesday morning is still in Immigration and Customs Enforcement custody within the U.S., an immigration official stated. Marcos Villanueva was scheduled to leave an Irvine immigration facility at 5 a.m.; however, an ICE official issued the following statement upon KTLA's request for an update Tuesday morning. "Mr. Villanueva remains in ICE custody pending his removal from the U.S.," the statement issued shortly before 10 a.m. read. The 40-year-old father has been in ICE custody since he was detained on Aug. 8. Just before he was picked up by ICE, Villanueva testified in court on behalf of his 12-year-old daughter who had accused her uncle of molesting her. The molestation case was eventually dismissed due to lack of evidence, the Orange County Register reported. Family members believe the uncle then retaliated by contacting ICE about Villanueva, who fled to the U.S. 13 years ago from Honduras after apparently watching a friend get murdered.

The [Riverside Press Enterprise](#) [10/23/2018 9:06 PM, Roxana Kopetman, 43K, CA] reports that ICE officials refused to answer questions about the case. In a statement Tuesday, an ICE spokeswoman said Villanueva "remains in ICE custody pending his removal from the U.S."

[CA] Undocumented Immigrant Scared by ICE-Labeled Wheel Lock

[NBC San Diego](#) [10/23/2018 6:12 PM, Danny Freeman, 138K, CA] reports that an undocumented immigrant didn't know where to turn when he found his car with a wheel lock apparently deployed by Immigration and Customs Enforcement. The undocumented Carlsbad man said two people dressed as officers came to his home Monday but neither showed any identification. He went outside and found the boot, marked with an ICE sticker, on his car. NBC 7 reached out to ICE to see if the wheel lock was placed by ICE agents or if ICE uses wheel locks like it. Ice spokesperson Lauren Mack said ICE is not familiar with that style of lock and that it doesn't appear to be one that ICE uses. She also said Homeland Security Investigations does not use any other type of wheel lock.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

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Thursday, Oct. 25, 2018

Executive Office for Immigration Review

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Executive Office for Immigration Review

[LA] In tiny Jena, immigration debate plays out at largest detention center in the Gulf South

[NOLA](#) [10/24/2018 7:23 AM, Maria Clark, LA] reports it could be any small town, anywhere. The main drag is Oak Street, which is lined with American flags. On a Wednesday morning

in early August, the shop doors were open and a steady stream of cars and pickup trucks crowded the narrow drive. Past the end of Oak Street's commercial strip, behind a sudden break in the trees, is the reason Jena is not just any small town: LaSalle ICE Processing Center, the largest immigration detention center in Louisiana. Far from the warring politics of Washington D.C. and the humanitarian crisis unfolding on the U.S. -- Mexico border, this is the immigration machine that quietly churns in the heart of rural Louisiana. Over the last 10 years, LaSalle has functioned as a detention center for around 1,200 men and women from all over the country who have been accused of breaking immigration laws. They spend their days here while they wait for hearings at the immigration court that operates out of this facility. The detention center is heavily guarded and looks nearly indistinguishable from a prison, a sprawling cement facility surrounded by two tall rows of chain-link fence capped off with coils of razor wire. Although its population changes day to day, the facility typically holds more than a third of the total population of nearby Jena, where about 3,345 people live. Behind these doors, a rapid succession of immigration hearings take place every morning starting at 7:30 a.m. Immigration judges, often teleconferenced in from outside courts in Miami and Atlanta, wade their way through an endless list of cases. The detainees who get their day in court are among the lucky ones. Some have been held at LaSalle for several months. The LaSalle court has operated as an immigration court for less than two years. A judge has been assigned to the court to observe hearings in person, but judges from other immigration courts will also continue to hear cases via video-teleconference as needed, according to Amanda St. Jean, a spokesperson for the Justice Department's Executive Office for Immigration Review (EOIR) which administers immigration courts in the U.S. This comes as immigration courts across the U.S. struggle to keep up with a backlog of pending cases from previous years that has approached 750,000 cases in 2018. This represents a nearly 32 percent increase since January 2017, according to Syracuse University's Transactional Records Access Clearinghouse (TRAC), a repository of federal immigration data. LaSalle alone has a backlog of 523 pending cases, according to TRAC.

The pressure to get through the list of cases can be felt at LaSalle, complicated at times by communication problems caused by the video-conferencing system. Immigration advocates are worried that these problems will get even worse in the wake of a new policy implemented on Oct. 1. Immigration judges now will be required to clear at least 700 cases a year and have fewer than 15 percent of their decisions overturned on appeal in order to get a "satisfactory" rating on their performance evaluation. The new quotas were laid out in a memo sent to immigration judges across the U.S. in late April in an effort to reduce the daunting backlog. Attorney General Jeff Sessions has said the backlog has allowed people who should be deported quickly to stay in the U.S. for years while awaiting their court date. The Justice Department has spoken in favor of the new quota, arguing that immigration judges completed an average of 680 cases between 2011 and 2016. The new arrangement would require judges to complete about three cases per day, finish cases where the immigrant is detained in three days from the hearing or in 10 days when the immigrant is not detained according to a memo that was distributed to immigration judges in April 2018. Immigration judges are barred from publicly speaking about their courts. But the National Association of Immigration Judges, the union that represents immigration judges, has come out publicly warning that the quotas would further erode due process rights for immigrants and force them to choose between their jobs and the proper execution of justice.

[TX] Undocumented children in El Paso often face immigration judge without an attorney

[KVIA](#) [10/24/2018 4:30 PM, Shelby Montgomery, 39K, CA] reports that undocumented children held at a facility near the Tornillo port of entry often face a judge without legal representation, an immigration attorney told ABC-7. Immigration attorneys tell ABC-7 children have the right to legal representation, but the government will not provide or pay for it. That leaves many undocumented children alone in the courtroom when they face the judge. "All unaccompanied children are placed into deportation proceedings," said Linda Rivas, the executive director and managing attorney at Las Americas Immigrant Advocacy Center. "If they're apprehended, the children, a minor, will be placed into custody of ORR, but that doesn't make them immune to deportation. They do have to go to court and they have removal proceedings," Rivas explained. Unaccompanied children who are found entering the border illegally are placed into temporary or permanent custody. Rob Barnes, a public information officer for the Executive office for Immigration review, confirmed to ABC-7 in an email that "Immigration judges assigned to the El Paso Immigration Court conducted juvenile dockets Monday, Oct. 22, 2018, for respondents in the care and custody of the Department of Health and Human Services, Office of Refugee Resettlement."

Policy and Legislative News

'Zero tolerance' immigration policy surprised agencies, report finds

[New York Times](#) [10/24/2018 4:05 PM, Ron Nixon] reports that the Trump administration did not tell key government agencies about its "zero tolerance" immigration policy before publicly announcing it in April, leaving the officials responsible for carrying it out unprepared to handle the resulting separations of thousands of children from their families, according to a government report released Wednesday. The Department of Homeland Security, which apprehends border crossers, and the Department of Health and Human Services, which cares for separated migrant children, were both caught off guard when Attorney General Jeff Sessions announced plans to criminally prosecute anyone who crossed the border illegally, the report said. According to the Government Accountability Office report, days after Sessions announced the policy, leaders of agencies at the Department of Homeland Security, including Customs and Border Protection, sought guidance from Kirstjen Nielsen, the Homeland Security secretary, on how to enforce it. In May, the department finally issued a memo directing border agents to refer all individuals crossing the border illegally to the Justice Department for prosecution. Adults were turned over to Immigration and Customs Enforcement and placed in detention facilities. Migrant children were sent to the Department of Health and Human Services.

The [Washington Post](#) [10/24/2018 10:40 AM, Ricardo Alonso-Zaldivar, 75K, CA] reports that the investigation by the nonpartisan Government Accountability Office dissects the consequences of launching a major policy change without consulting with the agencies that have to carry it out. The report makes no recommendations as it reconstructs a turbulent episode for the Trump administration. The report focuses on Homeland Security agencies such as Immigration and Customs Enforcement and the Border Patrol, part of U.S. Customs and Border Protection, along with the Health and Human Services Office of Refugee Resettlement, or ORR, which traditionally has had responsibility for providing shelter for unaccompanied minors detained at the border.

[Politico](#) [10/24/2018 8:00 AM, Ted Hesson and Lorraine Woellert, 2709K] reports that officials from the Homeland Security and HHS departments - the two agencies tasked with processing and maintaining custody of separated parents and children - told investigators

they took no steps to plan for a spike in family separations because they learned of the new policy only when Attorney General Jeff Sessions rolled it out in April. Homeland Security Secretary Kirstjen Nielsen repeatedly asserted in the past year that DHS did not have a family separation policy, even amid the vast fallout over families split apart at the border. The GAO report echoes the findings of a similar investigation by the Homeland Security inspector general's office.

Additional reporting:

[Wall Street Journal](#) [10/24/2018 3:01 PM, Andrew Duehren]

[CNN](#) [10/24/2018 8:19 AM, Meagan Vazquez]

[USA Today](#) [10/24/2018 2:32 PM, Bill Theobald, 7165K]

[Government Executive](#) [10/24/2018 6:57 PM, Eric Katz, 33K]

[Warren Reporter](#) [10/24/2018 8:00 AM, Jonathan D. Salant, 854K, NJ]

[Washington Examiner](#) [10/24/2018 11:56 AM, Kelly Cohen, 567K, DC]

[Washington Times](#) [10/24/2018 7:42 AM, Stephen Dinan, 547K, DC]

[WDEF](#) [10/24/2018 3:08 PM, Staff, 12K, TN]

[Pacific Standard](#) [10/24/2018 3:45 PM, Francie Diep, 83K, CA]

Caravan of Migrants Resumes Trek To US

[VOA News](#) [10/24/2018 12:53 PM, Staff, 1028K, DC] reports that a caravan of Central American migrants was set to resume its arduous journey to the U.S. Wednesday after pausing Tuesday to mourn a fellow traveler who was killed in a road accident and to tend to various travel-related ailments many have developed. Such caravans have been routine over the years without much attention, but U.S. President Donald Trump has used the caravan to rally his Republican base before the Nov. 6 midterm elections. Trump tweeted Wednesday his administration "will never accept people coming into our Country illegally."

[CNN](#) [10/23/2018 6:39 AM, Catherine E. Shoichet, 25865K] reports that US President Donald Trump has pointed to a massive caravan of migrants trekking north through Mexico as a major issue in the upcoming midterm elections. But when Election Day rolls around, on November 6, the caravan could still be somewhere in the middle of Mexico, depending on the group's current location, how fast it's been traveling and how long it's taken other groups of migrants to cross the country. On Tuesday, the caravan of thousands of people was in Huixtla, Mexico, about 50 miles from the Mexico-Guatemala border, where many of the caravan's members skirted authorities and crossed in rafts. It's still too soon to know exactly where along the vast US-Mexico border the bulk of this caravan will travel. Right now the closest border crossing to this caravan would be between Matamoros, Mexico, and Brownsville, Texas, about 1,111 miles away from the group's current location. But heading that way is considered a more dangerous route. To date, the caravan has traveled about 20 miles a day, largely on foot. If it continues at that rate, reaching Tijuana could take months, and reaching Matamoros could take weeks.

Additional reporting:

[Associated Press](#) [10/25/2018 12:05 AM, Mark Stevenson]

[ABC News](#) [10/24/2018 10:11 PM, Mark Stevenson and Sofia Ortega]

[FOX News](#) [10/24/2018 12:20 PM, William La Jeunesse, 10787K]

[New York Post](#) [10/24/2018 10:05 PM, Bob Fredericks, 3705K, NY]

[Miami Herald](#) [10/24/2018 6:35 PM, Christian Colón, 610K, FL]

[The Guardian](#) [10/24/2018 12:19 PM, David Agren and Amanda Holpuch, UK]

Migrant caravan: Why thousands of Central Americans are walking to the border

[Washington Post](#) [10/24/2018 5:26 PM, Nick Miroff, 11653K] reports that a huge procession of Central Americans is walking north through Mexico, defying President Trump and facing little resistance from Mexican authorities. We'll be tracking the caravan's advance through Mexico and U.S. preparations for its arrival at the border. Many of the migrants have told reporters their decision to leave was made in a flash. They had been waiting for an opportunity to come along but could not afford to attempt the journey any other way. The cost of hiring a "coyote" smuggling guide to go from Central America to the United States can exceed \$10,000. On a route beset by kidnapping gangs, extortionists and other predatory criminals, jumping onto a caravan offers a degree of protection.

[VOX](#) [10/24/2018 10:20 AM, Dara Lind, 3169K, DC] reports the existence of a massive group of Central Americans pushing toward the US without papers — even if they are still hundreds of miles away — seems like something Trump's GOP might create in a lab to unleash on the eve of the midterms. But the caravan is real. The migrants in it — mostly Hondurans (with some Guatemalans), half of whom are girls and women, many intending to seek asylum in the US — are real people. The decision about 160 Honduran migrants made to travel as a group in the open to the US — and the decision thousands have made to join them en route — is the result of a situation that predates Trump. The United States and Mexico have worked to make the journey to the US less appealing to Central Americans, but many residents of the Northern Triangle find the prospect of eventual asylum in the US — however difficult it is to get there — more appealing than the insecurity they're facing at home. The current wave of Northern Triangle migration raises hard questions about the distinction between economic and humanitarian migration, the US's ability to process asylum seekers, and the role Mexico plays in the region. Those are emphatically not the questions that are coming up in the Trump-driven conversation about the caravan — which is using the sheer fact of a mass of people traveling northward to activate fears of an invasion by unknowable foreigners.

Additional reporting:

[ABC News](#) [10/24/2018 2:19 PM, Matt Gutman, Robert Zepeda and Kaelyn Forde, 2704K]

[Politico](#) [10/24/2018 3:46 PM, Rich Lowry]

[Forbes](#) [10/23/2018 5:29 PM, Andy J. Semotiuk, 10157K]

[USA Today](#) [10/24/2018 10:14 AM, David Agren, 7165K]

[New York Magazine](#) [10/24/2018 1:42 PM, Opheli Garcia Lawler, 1331K, NY]

Trump promises to stop migrant caravan, his administration struggles with how to do it

[Washington Post](#) [10/24/2018 7:07 PM, David Nakamura and Nick Miroff, 11653K] reports that President Trump's attempts to pin political blame on Democrats for a caravan of thousands of Central American migrants headed toward the United States have obscured growing concern within the White House over how to manage a potentially unprecedented massing at the southern border. Trump and his aides have convened high-level, emergency meetings in an effort to mount an effective response to halt the loosely organized group of men, women and children, which is moving slowly through Mexico. The primary focus has been on pressuring Mexican authorities to disperse the migrants, but the president also has been imploring aides to develop a more forceful plan to keep the group from entering the United States, said several administration officials with knowledge of the deliberations.

Additional reporting: [Texas Insider](#) [10/24/2018 10:00 AM, Staff, TX]

US, Mexico negotiate options for handling migrant caravan

[CNN](#) [10/25/2018 12:38 AM, Catherine E. Shoichet and Geneva Sands, 25865K] reports that officials are weighing the legality of certain steps the Trump administration could take and looking at whether any processes could be changed to speed up the removal of migrants who have no legal basis to remain in the US, according to a senior Department of Homeland Security official. Among the topics being discussed with Mexico is whether migrants from the caravan could be held there before entering an official port of entry, the DHS official said. The official said this is already being done to some extent, and described this as a more official process of what is known as "metering," when Customs and Border Protection officers keep immigrants in Mexico to limit the flow into the US. This process has been sharply criticized by advocates, who accuse officials of illegally trying to block immigrants from claiming asylum. A spokesperson for Customs and Border Protection referred all questions on the caravan to DHS. Additionally, the US is negotiating with Mexico about whether migrants from the caravan could be deported there, regardless of their country of origin. This process, known as "return to territory," which was included in President Donald Trump's January 2017 executive order on border security, isn't currently carried out by Immigration and Customs Enforcement, because Mexico would need to agree to take foreign nationals back.

Democratic silence on migrant caravan is deafening

[Washington Times](#) [10/24/2018 4:53 PM, Matt Mackowiak, 547K, DC] reports that "Yes they can," but no they won't. For several weeks, a band of several thousand Honduran migrants have been traveling north with the stated goal of reaching the United States. Republicans have seized on the reckless disregard for American laws that the caravan represents. For far too long, both political parties have been willing to accept a blatant disregard for existing immigration laws. President Trump promised to end illegal immigration and he has methodically worked to do so — without much help from Congress. This should be a nonpartisan issue. How can anyone believe illegal immigration is good for the country? We need to know who is entering the country and we should be able to determine what process is used for legal immigration. It is undeniable that Congress has failed to meaningfully reform our broken immigration system. It is entirely clear that Republicans will stand up for security and the rule of law. Where are Democrats on this issue?

[Yahoo](#) [10/24/2018 10:18 AM, Caitlin Dickson] reports as President Trump continued his misinformation campaign about the caravan of predominantly Central American migrants making its way through Mexico toward the U.S. border — promoting the unsubstantiated claim that "unknown Middle Easterners" and criminals are among the more than 7,000 migrants — members of his administration outlined the tangle of legal issues that they say have created a "grave threat to America's sovereignty," and sought to put the blame on "Democratic loopholes" in the law.

'Unsupported notion': Bipartisan think tank slams Trump's claim 'Middle Easterners' in caravan

[Washington Examiner](#) [10/24/2018 10:49 AM, Anna Giaritelli, 567K, DC] reports that the director of immigration policy at a bipartisan think tank on Wednesday called the Trump administration's statements that non-Central Americans and "gang members" are among the caravan migrants an "unsupported notion." Theresa Cardinal Brown, director of immigration and cross-border policy at the Bipartisan Policy Center, called into question President Trump's Tuesday claim that "unknown Middle Easterners" were among the

estimated 7,000 people traveling north to the U.S.-Mexico border. "Let's move past the unsupported notion that this caravan includes 'unknown Middle Easterners,'" Brown said in a statement Wednesday morning. The Department of Homeland Security on Tuesday defended claims by Trump and Vice President Mike Pence that violent criminals are a component of the Honduran caravan making its way through Mexico toward the U.S., after reporters at the White House questioned how they know that. "@DHSgov can confirm that there are individuals within the caravan who are gang members or have significant criminal histories," DHS spokesman Tyler Houlton wrote in a series of tweets Tuesday evening. "Citizens of countries outside Central America, including countries in the Middle East, Africa, South Asia, and elsewhere are currently traveling through Mexico toward the U.S.," he said.

How the Migrant Caravan Became a Trump Election Strategy

[New York Times](#) [10/24/2018 6:25 PM, Azam Ahmed, Katie Rogers and Jeff Ernst] reports that the flier began circulating on social media in Honduras this month, showing a lone migrant sketched against a bright red backdrop. It was a call to join a caravan, the work of leftist activists and politicians who had helped lead migrants north in the past. But they also tossed a political spark into the mix, blaming their right-wing government for the exodus: "The violence and poverty is expelling us." They never expected it to ignite an international firestorm. Far from Honduras, the White House was busy grappling with the killing of Jamal Khashoggi, a columnist whose death inside a Saudi consulate had tarnished Saudi Arabia, a vital ally of the Trump administration. And with the midterm elections in the United States only weeks away, President Trump was eager to change the script. The caravan gave him a new, politically advantageous story to tell. Stoking American anxieties about immigration had worked well as a cornerstone of his 2016 campaign. The president's top aides, including Secretary of Homeland Security Kirstjen Nielsen and the White House chief of staff, John F. Kelly, began briefing the president on the caravan's progress the week before last, senior White House officials said.

The [New York Times](#) [10/24/2018 3:30 PM, Matt A. Barreto, 22322K] reports that over the past few weeks, on the campaign trail and at home in the White House, President Trump has made it clear that attacking immigrants is the main thrust of his midterm message. In 2016, his anti-immigrant campaign resonated with his core supporters and it may well again in 2018, but this year more people have been turned off by the reality of his anti-immigrant politics. As a result, Mr. Trump's vile strategy is more likely to backfire this time. Mr. Trump's anti-immigrant rhetoric has been escalating as Election Day nears. At every campaign rally, he unleashes on immigrants, spreading lies and fear, tweeting of the so-called caravan from Central America that "we cannot allow all of these people to invade our Country." A few days ago in Nevada, he lied again when told a crowd that "illegal immigrants want to take over the control" of a California town.

The [Los Angeles Times](#) [10/24/2018 5:50 PM, Kate Linthicum and Patrick J. McDonnell, 3575K] reports that President Trump has suggested that the caravan is being used as a cover for terrorists from the Middle East. "There are no institutions – religious, charity or political – that are financing this," he said in a phone interview from Honduras, where he was deported after being detained by Guatemalan authorities. "The only ones using this caravan in a political way are the Americans and Donald Trump."

Additional reporting: [Washington Post](#) [10/25/2018 3:00 AM, Salvador Rizzo, 11653K]

How a six-year-old photo of a bleeding policeman is being used to stoke fears about the migrant caravan

[Washington Post](#) [10/24/2018 2:14 PM, Craig Timberg, Aaron C. Davis and Andrew Ba Tran, 11653K] reports that the image is shocking: A Mexican policeman in riot gear bleeds profusely from gashes on his head. The culprits, according to posts spreading virally on social media, were members of the migrant caravan making their way north toward the U.S. border — and delivering violence along the way. An early version on Facebook on Sunday says beneath this image, "and WE are supposed to believe these are just poor, helpless refugees seeking asylum??? I am 100% behind POTUS deploying our military to protect our border and keep them out." But the post — shared by tens of thousands including Ginni Thomas, a conservative activist who is the wife of Supreme Court Justice Clarence Thomas — is misleading in key ways, starting with the photograph itself. It's not from any incident related to the migrant caravan that has emerged as a potent flash point in the intensifying midterm congressional election. The photo of the bloodied policeman was taken during Mexican student protests in 2012, according to Snopes, a fact-checking website.

Sen. Mike Lee urges new U.S.-Mexico pact on migrants as caravan rolls toward America

[Salt Lake Tribune](#) [10/24/2018 3:02 PM, Thomas Burr, 222K, UT] reports that Sen. Mike Lee says the United States should enter into an agreement with Mexico to require Central American migrants to first seek asylum there before attempting to come to the United States. Such a pact could weed out those who truly need help from those who might be a national security risk, Lee says. President Donald Trump has asserted that a caravan of thousands of migrants fleeing to the United States could include "Middle Easterners" who may be terrorists and has suggested closing the United States' southern border with Mexico. Lee, a Utah Republican, isn't sure if Trump is right — and says that's the issue. "Nobody has a breakdown of who is in the caravan. That is the problem," Lee spokesman Conn Carroll said. Lee joined Senate Judiciary Chairman Chuck Grassley, R-Iowa, in a letter to Homeland Security Secretary Kirstjen Nielsen and Secretary of State Mike Pompeo urging them to form an agreement with Mexico that all migrants coming into that country en route to the United States must first seek asylum when crossing into Mexico.

[Think Progress](#) [10/24/2018 3:05 PM, D. Parvaz, 480K, DC] reports that Ariel Ruiz Soto, an associate policy analyst at the Migration Policy Institute, told NBC: "The conundrum that Mexico finds itself is on the one hand trying to be diplomatic and ensure the human rights of migrants, as they ask the United States to do, and on the other hand facing threats from the U.S. and hoping to have a good relationship with the new administration."

Reported similarly:

[Deseret Morning News](#) [10/24/2018 12:00 PM, Dennis Romboy, 300K, UT]

The border is tougher to cross than ever. But there's still one way into America.

[Washington Post](#) [10/24/2018 9:00 AM, Nick Miroff, 11653K, DC] reports the migrants coming today are increasingly Central Americans seeking asylum or some form of humanitarian protection, bearing stories of torture, gang recruitment, abusive spouses, extortionists and crooked police. Last year, U.S. immigration courts received nearly 120,000 asylum claims from migrants facing deportation, a fourfold increase from 2014. Lisa Brodyaga, an immigration lawyer in South Texas who has worked with Central American migrants since the late 1970s, said adult asylum seekers who appear before immigration

judges "Are almost all being deported." As asylum officers and immigration judges reject more claims, the number of single adults who arrive claiming fear of persecution is dropping. DHS officials point to improving public-safety statistics from Central America as evidence that the asylum trend is not driven by worsening violence. Justice Department statistics show that fewer than 10 percent of Central American applicants are awarded asylum, but the process of applying offers a shield from deportation and a toehold, however tenuous, in the United States.

Migrant caravan members have right to claim asylum – here's why getting it will be hard

[Bozeman Daily Chronicle](#) [10/24/2018 6:40 AM, Abigail Stepnitz, 18K, MT] reports roughly 5,000 people, mostly from Central America's violent and unstable "Northern Triangle" of Guatemala, El Salvador and Honduras are reportedly making their way through Mexico with the intention of claiming asylum at the U.S. border. Migrants aren't obligated to claim asylum in any country, but have a right to seek asylum in a country of their choosing, the right to a fair process in that country, and crucially, a right not to be sent back to a country where they will face persecution -- or even death. The reality is that even if the migrants currently traveling through Mexico are able to claim asylum at the U.S. border -- a big if, considering they are still more than 1,000 miles away -- the legal path to safety is challenging. What has always been a difficult process has been made more difficult by growing governmental and public concern that asylum-seekers are gaming the system or that asylum itself has become a backdoor route for economic migrants. Their proof depends in large part on being able to demonstrate credibility. Research also regularly shows that the chances of being granted asylum vary considerably depending on the applicant's nationality and the location within the U.S. where they seek asylum.

Pompeo to Migrant Caravan: 'You Will Not Be Successful at Getting Into the U.S. Illegally'

[Free Beacon](#) [10/24/2018 10:14 AM, Mikhael Smits, 178K, DC] reports Secretary of State Mike Pompeo said unequivocally Tuesday that the migrant caravan headed for the United States would be stopped. The "caravan," which includes thousands of women and children, has swelled to some 7,000 individuals. In comments delivered from the podium at the State Department, Pompeo noted that "the migrant caravan is violating Mexico's sovereignty." President Donald Trump has threatened to cut off foreign aid to Mexico if it fails to address the issue before it reaches America's border. "President Trump will not stand for this to happen to the United States," Pompeo said.

Caravan will prove to the world that the US has an open border

[The Hill](#) [10/24/2018 8:30 AM, Nolan Rappaport, 2630K] reports the caravan would be a threat to our national security even if the migrants were all nuns from Catholic churches in Central America. The threat comes from the fact that more than 7,500 undocumented migrants and the governments of Mexico and Central America are openly defying the President of the United States, and the entire world is watching. The 7,500 migrants are coming and the governments of Mexico and Central America are refusing to stop them, and there's not a damn thing Trump can do about it. The 351-judge immigration court had a backlog of 764,561 cases as of the end of August, which was a 41 percent increase compared to the 542,411 cases pending at the end of January 2017, when Trump took office. The only solution is to find a way to process their asylum applications outside of the United States. I proposed working with United Nations High Commissioner for Refugees to

set up refugee centers in Central America for children to make it unnecessary for them to travel to the United States. Trump could establish such a program that would be open to adults too.

Trump warns that migrants created 'total mess' in Europe

[Politico](#) [10/24/2018 9:01 AM, Caitlin Oprysko, 2709K] reports President Donald Trump on Wednesday said mass migration in Europe has created a "total mess" on the continent, warning that immigration advocates in the U.S. will regret their position -- just as, he claimed without evidence, Europeans do. "For those who want and advocate for illegal immigration, just take a good look at what has happened to Europe over the last 5 years," Trump tweeted. "A total mess! They only wish they had that decision to make over again." Europe has seen a surge in migrants, including refugees and asylum seekers from Africa and the Middle East, over the past five years that has put a strain on countries like Greece and Italy that sit along the southern border of the European Union.

[The Daily Caller](#) [10/24/2018 8:33 AM, Saagar Enjeti, 909K, DC] reports President Donald Trump referenced the refugee crisis plaguing Europe as a caravan of would-be illegal immigrants makes its way to the U.S. via Mexico, in a Wednesday tweet. "For those who want and advocate for illegal immigration, just take a good look at what has happened to Europe over the last 5 years. A total mess! They only wish they had that decision to make over again," said Trump on Twitter. Trump has vowed to punish the governments of Honduras, Guatemala, and El Salvador for failing to stop its citizens heading north. Trump has also faulted the government of Mexico for failing to stop the caravan of migrants and has publicly floated the idea of closing the U.S.-Mexico border as a last resort.

Additional reporting: [Washington Post](#) [10/25/2018 12:59 AM, Adam Taylor, 11653K]

Nearly 17,000 Immigrant Family Members Arrested At U.S. Border In September Spike

[Newsweek](#) [10/24/2018 11:17 AM, Chantal Da Silva, 1720K, NY] reports that the U.S. saw a surge in arrests of immigrant families at the southern border in the month of September, with agents arresting nearly 17,000 members of family units trying to enter the country, as President Donald Trump continued his crackdown on immigration to the U.S. Data released by the U.S. Customs and Border Protection agency on Tuesday shows that 16,658 "family units," or individuals, including children, apprehended with a family member, were arrested last month. The number represents a 31 percent increase in the number of family units detained in August, which saw 12,760 people arriving at the U.S. border with family members arrested.

Additional reporting:

[Free Beacon](#) [10/24/2018 11:25 AM, Charles Fain Lehman, 178K, DC]

As border crossings surge, some migrants say they came now because family separation is over

[The Texas Tribune](#) [10/24/2018 4:00 PM, Teo Armus, 192K, TX] reports that Nelson Enrique Sánchez said he got the call in September: Come now, his mother-in-law said, and bring the boy with you. Led by smugglers, he and his 10-year-old son, Michael, traveled north from Honduras to join her in Louisiana – first by car, then on foot, then on a raft across the Rio Grande, before they surrendered to Border Patrol agents. "He was our ticket, our passport," Sánchez said, gesturing toward his son, arms wrapped around his father's

knees. "We had the opportunity to make it through, and he was our way out." If they had arrived a few months earlier, they likely would have been split up, the boy sent to a shelter or foster care and his father kept in detention – the result of a "zero tolerance" policy meant to deter immigrants from crossing the border illegally. That policy saw the government separate thousands of families as it prosecuted adults who crossed the border illegally while following a court agreement that says children cannot be detained for longer than 20 days.

Mothers of exiles: For many, the child-separation ordeal may never end

[Salon](#) [10/24/2018 9:00 AM, Priti Gulati Cox and Stan Cox] reports from the early days of the Trump administration, the White House and Justice Department have obsessively sought to separate asylum-seeking parents from their children at the U.S.-Mexico border. The American people and the courts have mounted fierce resistance to this sadistic practice, but Trump's men will not be deterred. Separation continues despite having been officially forbidden by the courts. Last week, the White House announced a desire to revive explicit separation, potentially through this policy described by the Washington Post: "One option under consideration is for the government to detain asylum-seeking families together for up to 20 days, then give parents a choice—stay in family detention with their child for months or years as their immigration case proceeds, or allow children to be taken to a government shelter so other relatives or guardians can seek custody." That's a Sophie's choice, but the authorities are using a less emotional, more technocratic term: "binary choice." So Central Americans fleeing mortal danger back home and facing murderous cartels in Mexico may now be forced into deciding between having their children either incarcerated for years or taken away from them, perhaps never to be seen again. They cannot take solace in the possibility that "other relatives... can seek custody." Even now, relatives applying to become guardians of seized children are themselves being subjected to investigation and possible deportation. The "binary choice" policy, if implemented, would almost certainly involve the kinds of coercion that have forced many refugees into giving up their asylum claims, being deported, and leaving their children behind. To accomplish this, officials have intimidated vulnerable parents into signing the so-called Separated Parent's Removal Form or else tricked them into signing by lying about the purpose of the form, which is often presented to them in English.

Former Federal Prosecutor: Trump Has Authority to 'Stop All Immigration'

[Breitbart](#) [10/24/2018 2:59 PM, Robert Kraychik, 2405K] reports former federal prosecutor Sidney Powell said President Donald Trump has lawful authority to "stop all immigration," offering her remarks in an interview Tuesday with Breitbart News Senior Editors-at-Large Rebecca Mansour and Joel Pollak on SiriusXM's Breitbart News Tonight. Powell explained, "it's under 8 United States Code Section 1182 F. It derives from the very clear language of the statute that says he can make a finding that it is in the national interest – it doesn't even say national security; it just says in the national interest – to halt all immigration for any aliens, and that means any and all."

What Happens After You Become the 'Most Famous Undocumented Immigrant in America'

[Atlantic Monthly](#) [10/24/2018 8:00 AM, Janine Joseph, 3386K] reports "I swallowed American culture before I learned how to chew it," recounts Jose Antonio Vargas in his recently released memoir, *Dear America: Notes of an Undocumented Citizen*. Equipped with two different public-library cards, Vargas gorged on newspapers, magazines, books, music, TV shows, and films that he hoped would teach him—then a 16 year old who

discovered that he'd been smuggled from the Philippines into the United States—how to "pass as an American." Vargas's heightened attention to the powers of perspective heavily informs his book, which spans the past 25 years of the Pulitzer Prize-winning journalist's life. Vargas's candid prose is inviting to readers who are new to his story, as well as to those who might be unfamiliar with the complexities of U.S. immigration policy.

[CT] Connecticut Advocates: Scare Tactics On Refugees Miss The Point

[WSHU Public Radio](#) [10/24/2018 8:54 AM, Lori Mack, 3K, CT] reports thousands of migrants from Central America are making their way to the U.S. border. The publicity over the caravan has prompted President Donald Trump to stir up fears over immigration. Trump said there will be repercussions for Guatemala, Honduras, and El Salvador for not preventing an estimated 7,000 migrants from leaving their countries and attempting to come to the U.S. And with midterm elections just around the corner, Trump is blaming Democrats for not supporting tougher border measures and immigration laws. Ann O'Brien, from Integrated Refugee and Immigrant Services in New Haven, said it's not about politics. "Families are fleeing persecution," O'Brien said. She said no matter what side of the political spectrum you're on, few people believe in having wide open borders. She said the U.S. should rely on the laws and processes in place to manage asylum seekers.

[NY] The Calculations: 5,000 Haitians in New York Wrestle With Their Future

[Medium](#) [10/24/2018 1:19 PM, Emma Vickers, 13110K] reports she waited for fourteen hours be rescued from under the rubble of her home in Port-au-Prince, Haiti, after the earthquake. She waited eight months after that for her school to reopen, before moving to New York to continue her education. She waited for nine months after that to be told that yes, she was eligible for Temporary Protected Status and so yes, she could stay. And now, Stéphanie Etienne is waiting again, waiting and hoping, she says, because if something doesn't change, on July 22, 2019 she will lose her right to live and work in the U.S. For the 5,400 Haitians living in New York City under Temporary Protected Status, the government's decision to end the program has been anything but decisive. Instead, it marks another episode of confusion and uncertainty. With roots in two countries, Haitians like Etienne are left to weigh their investment in a life in the U.S. against the shadowy threat of deportation, and to try to decide what to do next. They will go or they will stay, and meanwhile they wait. On January 15, 2010, Janet Napolitano, then Homeland Security Secretary, announced that Haitians would be able to apply for Temporary Protected Status in the U.S. She described the earthquake that had hit Haiti three days earlier as "a disaster of historic proportions." But she went on to explain that this was a limited opportunity. Only those Haitians who were physically present in the U.S. on the day of the quake were eligible because to send them back home would endanger their personal safety. Some 58,000 people were offered this status, according to the Migration Policy Institute, and with it, the ability to continue living and working in the U.S. Though initially intended to last for 18 months, TPS was repeatedly extended for Haitians. For almost 10 years, each new review by the State Department found that conditions on the ground in Haiti had not improved enough to ask people to return. On November 20, 2017, Elaine Duke, the Acting Secretary of Homeland Security, announced that TPS would not be extended again. She determined that the impact of the earthquake had been eased enough that it was safe to return. Haitians were given 18-months to leave. A report from the Global Justice Clinic at New York University takes issue with Duke's assessment, arguing that extraordinary conditions persist, due to Hurricane Matthew, a cholera epidemic, continued displacement and food insecurity.

[NM] Immigrant advocacy groups oppose proposed "Public Charge" rule change
[Albuquerque Journal](#) [10/24/2018 7:50 PM, Rick Nathanson, 59K, NM] reports that the Trump administration's proposed expansion of the "public charge" rule will make it more difficult for immigrants to come to or remain in the United States if they take advantage of non-cash forms of public assistance. Local organizations that support the immigrant community and low income families said Wednesday that the proposed rule changes will essentially turn the U.S. immigration system into a pay-to-play enterprise. Eduardo Garcia, an attorney with the New Mexico Immigration Law Center, called the proposed public charge rule changes, "a drastic and draconian departure from established immigration policy."

[AZ] Homeland Security Secretary Nielsen will return to Yuma area to address surge in migrant families

[AZ Central](#) [10/24/2018 7:58 PM, Rafael Carranza, 669K, AZ] reports that Secretary of Homeland Security Kirstjen Nielsen will return to the Yuma area Thursday for the second time this year and once again is expected to address the arrival of large numbers of migrant families and minors that made this border area the second-busiest route for their arrival to the United States. Nielsen last visited the border near San Luis, south of Yuma, in April when she proclaimed a "crisis" the spike in the arrival of migrant families and minors here. At that visit, she was joined by Arizona Gov. Doug Ducey, who had just deployed the state's National Guard in response to President Donald Trump's request. A Department of Homeland Security spokesperson confirmed Thursday's visit but did not provide additional details about her schedule. Starting Oct. 7, Immigration and Customs Enforcement – the agency that takes custody of migrant families once they've been processed at the border – released hundreds of migrants in Arizona to relatives living in the United States. ICE officials outfitted them with an ankle monitor and gave them a notice to appear in immigration court weeks later.

[AZ] Southwest Key shelters in Arizona temporarily barred from accepting new migrant minors

[Arizona Daily Star](#) [10/24/2018 11:00 PM, Perla Trevizo, 79K, AZ] reports that Southwest Key may not accept new immigrant minors in any of its Arizona shelters until the state tells it otherwise. As part of an agreement with the Arizona Department of Health Services, the Texas-based nonprofit will pay a fine of \$73,000 and surrender licenses for two of its 13 facilities in the state, Youngstown and Casa Phoenix. "We will fully and completely comply with this agreement," Jeff Eller, a Southwest Key spokesman, said in a written statement. "We are committed to making the improvements that are spelled out, and we look forward to building on these changes for the future. DHS's priority of keeping all children in our care safe is one we not only share but embrace." The number of minors in the custody of the Office of Refugee Resettlement, the federal agency in charge of them, has jumped to more than 13,000 — a record. Sponsors are hesitating to come forward if they are not in the country legally, because of the prospect of their information being shared with Immigration and Customs Enforcement and ultimately leading to their deportations.

Reported similarly: [Arizona Public Media](#) [10/24/2018 3:38 PM, Matthew Casey, 4K, AZ]

Legal News

US unveils plans to comply with judge's TPS order while appeal is pending

[CNN](#) [10/24/2018 3:46 PM, Catherine E. Schoichet] reports while its appeal is pending, the US government says it will comply with a California federal judge's decision that temporarily blocked the administration's plans to end deportation protections for hundreds of thousands of immigrants. In court documents filed late Tuesday, the government outlined how officials plan to comply with US District Judge Edward Chen's preliminary injunction, which earlier this month blocked plans to end temporary protected status, or TPS, for immigrants from Sudan, El Salvador, Haiti and Nicaragua. US Citizenship and Immigration Services will automatically extend employment authorization and the validity of immigration documents for TPS recipients from Sudan and Nicaragua through April 2, 2019, according to court documents. Those authorizations are not being extended for recipients from El Salvador and Haiti at this point, the filing said, because protections for them aren't set to expire until later next year.

Additional reporting: [KRTV](#) [10/24/2018 1:46 PM, Staff, MT]

Kris Kobach: Migrants have no basis to claim asylum

[FOX News](#) [10/24/2018 6:07 PM, Staff, 10787K] reports that Kansas gubernatorial candidate Kris Kobach says illegal immigration is a 'problem we can solve.' [Editorial note: consult source link for video]

6th Circ. Scraps Asylum Seeker's Bid To Revive Removal Case

[Law 360](#) [10/24/2018 9:18 PM, Suzanne Monyak] reports the Sixth Circuit on Wednesday refused to revive the case of an Indian asylum seeker ordered deported after he missed a hearing for which he claims he never received a notice, holding the government had fulfilled its obligation to notify the man of the hearing date. In an unpublished opinion, the Sixth Circuit panel let stand a Board of Immigration Appeals decision denying Vikas Manubhai Patel's motion to reconsider the board's earlier decision, which had upheld an immigration judge's ruling that Patel had not shown enough evidence of changed conditions in India to merit reopening his deportation case. Patel was initially ordered removed more than a decade ago after he failed to attend his hearing. "The BIA did not abuse its discretion by refusing to reconsider its opinion affirming the IJ's decision," the opinion says. The panel also noted that it could only review the BIA's decision denying reconsideration and not the decision itself because Patel had failed to appeal that earlier decision within 30 days. As a result, the panel said it does not have jurisdiction to review Patel's arguments supporting his claims of changed circumstances, but only whether the BIA had abused its authority in deciding not to reconsider. A representative for the U.S. Department of Justice declined to comment.

BIA Must Explain Denial For Albanian Asylum-Seeker: 6th Circ.

[Law 360](#) [10/24/2018 5:10 PM, Suzanne Monyak] reports the Board of Immigration Appeals must reconsider an Albanian asylum-seeker's request to reopen her deportation proceedings in light of changed country conditions, the Sixth Circuit held Wednesday, after the appeals court found the BIA had not adequately explained its reasoning for denying the request. In a published opinion, the Sixth Circuit panel concluded the BIA abused its discretion when it limited its discussion on why it rejected Çile Preçetaj's motion to reopen

her case due to worsening conditions for her family in Albania to a "two-sentence passage." "The BIA failed to demonstrate that it evaluated or analyzed the evidence presented to it by Preçetaj. Instead, the BIA summarily concluded that Preçetaj's evidence was insufficient to demonstrate changed country conditions, without providing a sufficiently detailed analysis for its conclusion," the opinion said. As a result, the panel reversed the BIA's denial of Preçetaj's motion to reopen and kicked the case back to the BIA to provide further explanation, saying the board had "not articulated a basis to allow for meaningful review by this court." According to the opinion, Preçetaj entered the U.S. without authorization in 2000 and applied for asylum, saying her family had been the target of gang violence because her father works for the highway department. An immigration judge denied her asylum application in 2005 and ordered her removed, pointing to inconsistencies and "red flags" in her story that cast doubt on her credibility, the opinion said. The BIA affirmed the immigration judge's decision on appeal, and the Sixth Circuit denied review. Preçetaj then filed a motion in 2012 to reopen her removal proceedings, which the BIA denied, and the Sixth Circuit again denied review of that petition.

[OH] Haitian Asylum Seeker Remains in ICE Custody in Geauga County Two Years After Entering U.S.

[Cleveland Scene](#) [10/24/2018 9:58 AM, Eric Sandy, 34K, OH] reports two years ago, Ansly Damus stepped across the southern border into the U.S. and landed in jail. The former ethics teacher from a small commune in northern Haiti was quickly transferred by Immigration and Customs Enforcement to Geauga County, Ohio, where he has remained behind bars since October 2016. As an immigrant fleeing political persecution and violence at home, Damus was granted asylum on two occasions by Judge Alison Brown of the Cleveland Immigration Court, in April 2017 and January 2018. ICE, a federal agency, has repeatedly denied his release from its custody. Judge James E. Boasberg's observation that the national asylum release rate has declined came earlier this year in the form of a judicial order issued in a class-action lawsuit against government officials like Homeland Security Secretary Kirstjen Nielsen, U.S. Attorney General Jeff Sessions, ICE Acting Director William Joyce and ICE Detroit Field Office Director Rebecca Adducci. The lawsuit was filed by the ACLU on behalf of nine prisoners in ICE custody. In his July 2 order, Boasberg condemned ICE's indefinite detention of immigrants.

[MI] Immigration scheme offered legal status, led to deportation threats

[Grand Rapids Press](#) [10/24/2018 7:10 AM, John Agar, 531K, MI] reports a woman posed as a U.S. Department of Homeland Security lawyer in a scheme to defraud those trying to obtain legal status in the U.S., the government said. She allegedly threatened clients with deportation if they complained. Jessica Marie Rubio, a.k.a. Jessica Garcia, said she could speed the application process, get foreign nationals out of immigration detention and conceal criminal records from immigration workers, according to a seven-count indictment filed in U.S. District Court in Grand Rapids. She charged fees totaling \$30,305 in the Western District of Michigan, and \$45,740 in the Southern District of Texas, court records said. She told clients she would submit immigration paperwork, including a form that doesn't exist, on behalf of foreign nationals to the U.S. Citizenship and Immigration Services, or the Department of Justice's Executive Office for Immigration Review, the indictment said. She allegedly used a fraudulent email of a Department of Homeland Security lawyer to correspond with clients. Rubio is charged with four counts of wire fraud, conspiracy to commit wire fraud, all 20-year felonies, and two counts of false personation, a three-year felony.

[MI] Knight-Wallace Fellow returns to Ann Arbor to await ruling in asylum case

[Michigan Daily](#) [10/24/2018 1:05 PM, Katherina Sourne, 16K, MI] reports that on Monday, University of Michigan Knight-Wallace Journalism fellow Emilio Gutiérrez Soto and his son Oscar had an immigration hearing in El Paso, Texas as part of their effort to be granted asylum. Gutiérrez and his son have been seeking asylum in the U.S. for 10 years ever since the journalist received threats from the Mexican military. Officials from Immigration and Customs Enforcement and the Department of Homeland Security, as well as Gutiérrez's lead attorney Eduardo Beckett, presented Gutiérrez and his son's case.

[MI] Lawyers for Iraqi detainees ask court to release them now

[Michigan Public Radio](#) [10/24/2018 8:02 PM, Sarah Cwiek, 24K, MI] reports that more than 100 Iraqi nationals being held in immigration custody should be released because the government lied about Iraq's willingness to repatriate them, the detainees' lawyers told a federal judge in Detroit Wednesday. It argues that many of the Iraqis, the majority of whom are Chaldean Christians, would face persecution or possible death if returned to Iraq. Judge Mark Goldsmith ruled last summer that the government could not deport any of the detainees without giving them a chance to plead their case in immigration court first. More than 100 remain in custody, either because their cases are still ongoing, they couldn't afford bond, or their immigration cases failed. Now their lawyers argue that they should go free, too. They told Judge Goldsmith during a Wednesday hearing that the U.S. government doesn't have a real agreement with Iraq to repatriate the detainees, leading to a series of obstacles that will keep them in detention indefinitely. For those who remain in custody, "there's no likelihood of removal in the foreseeable future," University of Michigan law professor and plaintiff's attorney Margo Schlanger told the court, accusing U.S. Immigration and Customs Enforcement of a "lack of candor and outright falsehoods" throughout the case.

The [Detroit News](#) [10/24/2018 6:21 PM, Sarah Rahal, 154K, MI] reports that Miriam Aukerman, an attorney with the American Civil Liberties Union of Michigan, said ICE misled the court into keeping the Iraqi nationals detained by saying that Iraq is accepting detainees if they are deported, thereby allowing the U.S. to hold them in detention until their departure. ICE officers have also told detainees to sign documents stating they want to be wanted to be sent back to Iraq or face further prosecution in the U.S., Aukerman said. A hearing was held a day after U.S. District Judge Mark Goldsmith ordered ICE to unseal documents "that show ICE's prior statements to the court were false," Aukerman said.

The [Detroit Free Press](#) [10/24/2018 7:45 PM, Niraj Warikoo, 322K, MI] further reports that attorneys with the ACLU argued in court on Wednesday before U.S. District Judge Mark A. Goldsmith that the U.S. has been lying to the court, claims U.S. attorneys deny. Last year, the U.S. said that it was planning to deport Iraqi immigrants with final orders of deportation after it reached an agreement with the Iraqi government. But "there was no agreement," said Margo Schlanger, an attorney with the ACLU, said in court. U.S. officials have a "lack of candor" and "shaded the truth," she said. About 110 Iraqi immigrant detainees remain in custody more than 16 months after ICE (U.S. Immigration and Customs Enforcement) swept across metro Detroit arresting Iraqi immigrants with criminal records who had final orders of deportation. In the past, they were allowed to stay in the U.S., but after Donald Trump became president, the U.S. has toughened immigration enforcement. The U.S. wants to deport them back to Iraq. The ACLU and others filed a lawsuit on their behalf to block their removal from the U.S., saying they will face persecution in Iraq. On Tuesday, Goldsmith ordered ICE to unseal documents that the ACLU says show ICE's prior

statements to the court were misleading.

[Buzz Feed](#) [10/24/2018 2:25 PM, Hamed Aleaziz, 8149K] reports that the case revolves around the June 2017 arrests of around 1,400 Iraqis whom ICE had targeted for removal, most for overstaying their visas or being convicted of crimes. The documents reveal the frantic efforts ICE officials went to persuade Iraq to take the detained Iraqis back. At one point, according to the documents, ICE director Thomas Homan called the Iraqi ambassador to the US, Fareed Yasseen, and implored him to accept the flight. Yasseen emailed Homan his rejection on June 26, 2017.

Additional reporting: [Grand Valley Advance](#) [10/24/2018 6:39 PM, Gus Burns, 531K, MI]

[WA] Activist groups file First Amendment lawsuit in Seattle over ICE arrests

[Seattle Times](#) [10/24/2018 11:56 AM, Nina Shapiro, 634K, WA] reports claiming federal immigration officials are targeting people who speak out against government policies, three activist groups are suing Immigration and Customs Enforcement on First Amendment grounds in Seattle's federal court. The lawsuit says the selective arrest, detention and deportation of immigrants began when President Donald Trump took office in January 2017. It was filed Tuesday on behalf of two local groups - the Northwest Detention Center Resistance, led in part by Mora-Villalpando, and the Coalition of Anti-Racist Whites - as well as the Washington, D.C.-based Detention Watch Network. "ICE takes the health, safety and welfare of those in its care very seriously and respects the rights of all people to voice their opinion without interference," said agency spokeswoman Tanya Roman, adding that she could not comment on pending litigation. The agency is also facing another First Amendment lawsuit in New York, filed in February on behalf of Ravi Ragbir, a nationally known activist and director of the New Sanctuary Coalition, who was detained in January.

The lawsuit says, Detention Watch Network has been spending energy on tracking activists who have been arrested or detained, and helping its members think about increasing risks that come with activism. After the case of Aburto Gutierrez, Gov. Jay Inslee called then-acting director of ICE Thomas Homan to complain about what the governor called a "chilling effect" on free speech. Homan said retaliation was not the reason for Aburto Gutierrez's arrest. Instead, the ICE official said, agents realized that Aburto Gutierrez's daughters, placed in his care when his girlfriend was arrested, had gone to Mexico to be with their mother. It asks for a permanent injunction restraining ICE from targeting individuals based on political speech.

[CA] Judge halts Anaheim man's deportation to Honduras

[Daily Bulletin](#) [10/24/2018 7:38 PM, Roxana Kopetman, 18K, CA] reports that his wife thought he was deported. So did his attorney. But on Wednesday they learned that Marcos Villanueva won a stay late Tuesday, halting his deportation to Honduras. U.S. District Judge Jesus Bernal in Santa Ana granted the Anaheim resident an emergency stay, which gives Villanueva an opportunity to appeal his case. Deporting him "without an adequate hearing" may deprive Villanueva of constitutional rights, "and possibly result in his wrongful removal to Honduras and exposure to death or torture," Bernal wrote in his order. U.S. Immigration and Customs Enforcement agents arrested Villanueva days after the family was in court seeking an extension to a restraining order against the uncle. A judge found insufficient evidence to substantiate the claims of sexual abuse, first reported by the girl's school to the police, and the restraining order was lifted.

Enforcement News

Senators Urge Trump Administration to Halt Deportation of Mauritians

[Westside Gazette](#) [10/24/2018 8:02 AM, Carma Henry, FL] reports that today, U.S. Senator Kamala D. Harris and Representatives Bennie G. Thompson, Jerrold Nadler, Zoe Lofgren, and Joyce Beatty led a group of lawmakers in a bicameral letter calling on Department of Homeland Security Secretary Kirstjen Nielsen and Secretary of State Mike Pompeo to cease the deportation of Black Mauritanian nationals, who face the threat of race-based discrimination, violence, or slavery if forced to return to Mauritania. "Most Mauritians in the United States arrived here seeking refuge from government-led racial and ethnic persecution and extreme violence," wrote the lawmakers. For the following two decades our government declined to deport Mauritians because of the dangerous and potentially life-threatening conditions they would face if they were returned to their country of origin. Those who lacked lawful status were simply required to periodically check-in with Immigration and Customs Enforcement.

[RI] Dominican man deported in '98 returns, is arrested, turned over to ICE

[Providence Journal](#) [10/24/2018 6:08 PM, Staff, 71K, RI] reports that a 44-year-old man who illegally re-entered the United States following his 1998 deportation to the Dominican Republic was turned over to federal immigration authorities Wednesday following his arrest by Cranston police. Helpis Delacruz misrepresented himself to police when approached on Dyer Avenue, says a news release issued by Cranston police Maj. Todd Patalano. When detectives questioned him, Delacruz was "extremely nervous" and presented a Puerto Rican driver's license that came back to a different person, the release said. An investigation found that Delacruz had been deported to his native country for possession of cocaine. He was charged with giving false documents to a public official, identity fraud and obstructing an officer. He was arraigned Wednesday in District Court, Warwick, released on personal recognizance and rearrested by agents from Immigration and Customs Enforcement.

[CT] Lawyers For New Haven Man In Sanctuary Ask Immigration Authorities For A Reprieve

[Hartford Courant](#) [10/24/2018 1:00 PM, Kathleen McWilliams, 126K, CT] reports that lawyers for a New Haven man who took sanctuary in a church after receiving a deportation order last year filed another request for a stay of removal with Immigration and Customs Enforcement officials in Hartford Wednesday afternoon. The stay would allow Nelson Pinos, a father of three U.S. citizens, to return to his home and stay with his family. Pinos is a native of Ecuador and came to the United States illegally in 1992. Pinos was issued a deportation order on Nov. 30 but instead took sanctuary in a New Haven church. At Wednesday's rally, held outside of U.S. District Court in Hartford, a couple dozen supporters gathered to support the Pinos family. Supporters included U.S. Sen. Richard Blumenthal and William Tong, Democratic candidate for attorney general.

[DE] ICE: Twice-Deported Illegal Alien Wanted for Child Rape in Delaware

[Breitbart](#) [10/24/2018 3:46 PM, Katherine Rodriguez] reports an illegal alien who had been deported from the U.S. twice in the same year is wanted by police in Dover, Delaware, for allegedly raping a six-year-old girl in 2011, U.S. Immigration and Customs Enforcement (ICE) officials told Breitbart News. Officials told Breitbart News on Wednesday that illegal

alien Juan Carlos Hernandez-Tapia, 33, a Mexican national who had been accused of raping a six-year-old girl in 2011, had been deported two times that year. The Mexican national's first encounter with ICE officials came after the Dover Police Department arrested him on local charges. ICE officials said deportation officials with its Enforcement and Removal Operations (ERO) center in Dover arrested Hernandez-Tapia on an immigration violation on February 6, 2011. Ten days later, deportation officials placed a detainer on Hernandez-Tapia while he was serving time at the James T. Vaughn Correctional Center in Smyrna. Once the jail released him from custody, they turned him over to ICE, which later arrested him on immigration violations, ICE officials said. An immigration judge then ordered Hernandez-Tapia's removal from the U.S., and officials deported him to Mexico the first time on April 21, 2011.

[NJ] New Jersey 'Dreamer' deported to Albania months after his parents' removal
[North Jersey Record](#) [10/24/2018 6:30 AM, Monsy Alvarado, 63K, NJ] reports a 21-year-old Clifton man who had been shielded from deportation under a program for undocumented immigrants who came to the country as children has been deported to Albania, joining his parents who were sent back earlier this year. Mikel Pukri, a Clifton High School graduate who came to the United States when he was 3, was deported last month, immigration officials said Tuesday. His deportation came after he spent several months in detention in the Essex County Jail as he fought his immigration case. "Pukri's case was unsuccessfully litigated at every level of the immigration court system," U.S. Immigration and Customs Enforcement said in a statement. "Once he exhausted all venues, he was removed." The parents were issued orders of removal in 2004 that were upheld by two appellate courts, according to an ICE spokesman. Mikel Pukri had been issued a final order of deportation years ago before he received his DACA status, according to ICE. "He lost his DACA status after trying to interfere with his father's removal at Newark Airport and then subsequently being detained by ICE at Essex," said Emilio Dabul, an ICE spokesman.

[PA] Gay immigrant freed on bond nine months after ICE arrest in West Philly
[The Inquirer](#) [10/24/2018 3:59 PM, Jeff Gammage, 406K, PA] reports that Jose "Ivan" Noe Nuñez Martinez, a gay Mexican man taken into custody in January as he met with federal immigration authorities in West Philadelphia to try to resolve his status, was poised to walk out of a detention center on Wednesday after winning the opportunity to post bond. The \$10,000 bail was in the process of being paid, and Martinez would probably be leaving the York center Wednesday night or Thursday morning, according to his lawyer, Audrey Allen. Immigration and Customs Enforcement officials have said that Martinez was unlawfully present in this country, and had previously been removed. Undocumented immigrants who reenter the U.S. after being deported can be charged with a felony offense, although Martinez was never charged. Martinez, 37, a native of Michoacán, Mexico, fled to the U.S. after the murder of a gay friend in 2001. He said he feared that he, too, would be killed if he returned. He eventually settled in Chester County, where he worked for an auto-body repair shop.

Reported similarly: [WHYY](#) [10/24/2018 9:09 PM, Laura Benshoff, 37K, PA]

[NC] Raleigh family fights to keep ailing father from deportation
[WTVD Raleigh Durham](#) [10/24/2018 8:53 PM, Tim Pulliam, 4K, NC] reports that Fatima Sowe of Raleigh is fighting for her father, Abdoulie. She says her dad is the main provider for the family, but now his life hangs in the balance if he's deported back to Gambia, an

African country he fled from 25 years ago. "We've achieved so much and it's because of him," Fatima Sowe said. "Our life would be so different without him." The 53-year-old taxi driver is living in a detention center in Georgia until he is flown back to Gambia. "If ICE goes through this and he gets deported, he is not going to survive," Fatima said. ICE said he has been on their radar for 17 years. "Mr. Abdoulie was ordered to be removed from the U.S. by a federal immigration judge in February 2001; however, ICE was unable to obtain documentation from the Gambian government necessary to conduct his removal until July. Mr. Abdoulie is presently in ICE custody pending arrangements to remove him to his country of citizenship in accordance with federal law, agency policy and the order of the courts."

[IL] Mom who crashed into Aurora pond, left child in car considers plea deal

[Chicago Daily Herald](#) [10/24/2018 3:50 PM, Justin Kmitch, 98K, IL] reports that a Cicero woman accused of driving drunk when she crashed her SUV into an Aurora pond and left her 6-year-old son in the submerged vehicle is considering an offer from prosecutors. Gladys X. Ruvira-Garcia, 32, of the 5600 block of West 22nd Place, is charged with four counts of aggravated DUI and faces up to 12 years in prison if convicted. The deal offered Wednesday, which Ruvira-Garcia is considering, includes her serving at least five years in prison in addition to other conditions. Ruvira-Garcia, despite being free on bail, has an immigration detainer placed on her by Immigration and Customs Enforcement. ICE officials said Ruvira-Garcia overstayed a temporary visitor's visa after entering the United States in May 2015. ICE officials said they place detainers when the agency has probable cause to believe a person is deportable.

[UT] Arrested Utah man facing deportation learns he was actually US citizen all along

[KUTV](#) [10/25/2018 1:25 AM, Bronagh Tumulty, 59K, UT] reports that a single piece of paper brought a lifetime of fear to a halt this week for a Springville man. Jocsan Rodriguez Sanchez was arrested and booked into the Utah County Jail on Saturday. The charges against him included assault and criminal mischief. That arrest turned out to be a bit of a blessing in disguise. While in custody, he learned he had been placed on an Immigration and Customs Enforcement hold, meaning deportation back to Mexico was in the cards. That has always been a concern for Rodriguez Sanchez. His lawyer, Christopher Keen, made a discovery. Though Rodriguez Sanchez does not have a relationship with his father, who is presumed dead in Mexico, he does technically have U.S. citizenship through him. His father was also born in Mexico but before Rodriguez Sanchez was born, his father became a naturalized U.S. citizen. His lawyer says ICE immediately lifted the hold after learning this key information.

[AZ] DACA Recipient Sentenced to 35 Years for Child Sex Abuse

[Breitbart](#) [10/24/2018 3:05 PM, Robert Arce, 2405K] reports that a Maricopa County Superior Court judge in Phoenix sentenced an illegal immigrant previously protected by the Deferred Action for Childhood Arrivals program to 35 years in prison followed by lifetime probation for the kidnapping and attempted abuse of a 3-year-old girl. The victim was discovered duct-taped and covered in feces in a closet in 2016, according to local reporting. A tipster called police and said he was offered the girl for sale as a sexual plaything by Francisco Javier Rios-Covarrubias, 30, an illegal immigrant DACA recipient from Mexico.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

[Mobile User Copy and Searchable Archives](#)

Friday, Oct. 26, 2018

Executive Office for Immigration Review

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[NY] A Toddler Who Appeared in Immigration Court Goes Home to Honduras. 'Mi Amor,' Her Mother Cries.

[New York Times](#) [10/25/2018 9:00 PM, Jeff Ernst and Miriam Jordan] reports the passengers from American Airlines Flight 941 trickled out, alone, in couples and in groups

— all but the small girl whose family was nervously awaiting her in the arrivals area. It had been three months since 2-year-old Fernanda Jacqueline Davila had been whisked away with her grandmother on a journey to the United States that had gone badly wrong. For months, the child's mother, Alison Michell Davila, had been trying with the rest of the family in Honduras to navigate the labyrinth of the American immigration system from afar. They pleaded for the release of the child, who was being held in foster care in New York. She doesn't need to stay in America, the family told the authorities. Just let her come home. Finally, more than an hour after the plane landed, an immigration officer emerged bearing the toddler in his arms. Ms. Davila wept. "Mi amor," she called out, "my love."

The girl flew to the Honduran city of San Pedro Sula on Thursday with seven other children, most of whom had been separated from their families at the southwest border, among nearly 3,000 such separations that happened this year under a controversial Trump administration policy intended to deter migration from Central America. President Trump halted the practice in June after it came under attack, but four months later, federal authorities have been unable to return all the children to their families. The eight children who flew from New York on Thursday were among more than 100 still living in shelters and temporary foster care, according to volunteer and advocacy groups working with migrant families. In some cases, the adults who accompanied the children still in custody are themselves in immigration detention; others were deported, while their children were left behind. Reuniting children with families overseas is a complicated process involving extensive paperwork from shelters, documents from the children's families and approval from both governments. Often, permission must also be granted by a United States immigration judge. On Oct. 8, Fernanda was the youngest child that day to appear in a federal immigration courtroom in New York, so small she had to be lifted onto the chair. A lawyer for Catholic Charities, who had volunteered to take her case, asked the judge to grant the child "voluntary departure," a kind of voluntary deportation that would enable Fernanda to return quickly to Honduras. It took two weeks to get all her travel documents together.

Policy and Legislative News

Trump considering plan to ban entry of migrants at southern border, deny asylum
[Washington Post](#) [10/25/2018 10:46 PM, Nick Miroff, Dan Lamothe and Josh Dawsey, 11653K] reports Fixated on the migrant caravan moving north through Mexico, President Trump is weighing a plan to shut the U.S. border to Central Americans and deny them the opportunity to seek asylum, asserting similar emergency powers used during the early 2017 "travel ban," according to administration officials and people familiar with the proposal. The White House is also preparing to deploy as many as 1,000 additional U.S. troops to assist in security operations at the southern border in anticipation of the caravan's arrival, officials said. Under U.S. law, foreign nationals fleeing persecution have the right to apply for asylum once they reach American soil, but the executive order under consideration would suspend that provision and bar Central Americans as a matter of national security, according to those familiar with the proposal. Such a move would probably trigger immediate challenges in U.S. courts. According to a draft of the proposed rule reviewed by The Washington Post, the administration argues that the president can use his authority under Section 212(f) of the Immigration and Nationality Act to declare certain migrants ineligible for asylum because it "would be contrary to the national interest" and "detrimental to the interests of the United States." The section is the same legal authority he invoked during the travel ban.

The [New York Times](#) [10/25/2018 12:33 PM, Julie Hirschfeld Davis and Thomas Gibbons-Neff, 22322K] reports the move would be the most drastic in a series of steps that Mr. Trump has taken or threatened to take in recent days as he works to stop what he has called an "onslaught" of immigrants only days before the midterm elections. Details of the plan were still being completed on Thursday, according to the people who described it, all of whom insisted on anonymity to discuss a proposal that is still under development. The president, who is prone to changing his mind, could still decide not to take action, they stressed. But three people briefed on the plan said it envisioned Mr. Trump issuing a proclamation on Tuesday. The administration would put in place new rules that would disqualify migrants who cross the border in between ports of entry from claiming asylum, according to those briefed. Exceptions would be made for people facing torture at home.

[VOA News](#) [10/25/2018 10:41 AM, Staff, 1028K] reports as a caravan of Central American migrants continues its arduous trek toward the U.S., President Donald Trump reiterated Thursday the military would be used to prevent its entry into the U.S. from the southern border. "I am bringing out the military for this National Emergency. They will be stopped!" Trump wrote in a post on Twitter. Trump also agreed with a border patrol labor union official that Democrats are to blame for migrants seeking refuge in the U.S. Trump has blasted Honduras, El Salvador and Guatemala for not stopping their citizens from departing for the U.S. He said Monday he would begin cutting off or reducing foreign aid to those countries and threatened last week to use military troops to close the border. Illness, police harassment and fear are taking their toll on the migrants, which now number between 4,000 and 5,000, a sharp decrease from the estimated 7,000 from just days earlier. Officials say nearly 1,700 migrants already have dropped out and applied for asylum in Mexico. A few hundred weary migrants have accepted Mexican government offers to transport them back to their home countries. The Mexican government has declined to give the migrants food, water, or even access to bathroom facilities, leaving it to private citizens, church groups or sympathetic local officials to provide essential goods, according to Associated Press. The Mexican government has, instead, reserved these basic items only for migrants who turn themselves in at immigration centers to apply for visas or to be deported.

Additional reporting:

[Wall Street Journal](#) [10/25/2018 11:59 PM, Alicia A. Caldwell, Rebecca Ballhaus, et al.]

[Huffington Post](#) [10/26/2018 12:52 AM, Carla Herreria, 9094K]

[Politico](#) [10/25/2018 4:49 PM, Wesley Morgan and Ted Hesson, 2709K]

[Politico](#) [10/25/2018 10:57 PM, Ted Hesson, 2709K]

[The Hill](#) [10/25/2018 11:11 PM, Brett Samuels, 2630K]

[NBC News](#) [10/25/2018 5:21 PM, Julia Ainsley and Luciana Lopez, 3539K]

[FOX News](#) [10/26/2018 3:53 AM, Lukas Mikelionis, 10787K]

[Washington Times](#) [10/25/2018 2:21 PM, Stephen Dinan and Carlo Munoz, 547K]

[New York Post](#) [10/25/2018 11:56 PM, Joe Tacopino, 3705K, NY]

[Mc Clatchy DC](#) [10/25/2018 10:27 PM, Anita Kumar, DC]

[Daily Wire](#) [10/25/2018 4:12 PM, Emily Zanotti, CA]

[San Diego Union Tribune](#) [10/25/2018 5:55 PM, John Wilkens & Kate Morrissey, 291K, CA]

Asylum 101: What is asylum and will the migrants in the caravan get it?

[USA Today](#) [10/26/2018 12:39 AM, Ronald J. Hansen and Rafael Carranza, 7165K] reports that many Americans have had their first exposure in recent months to concepts like asylum. The issue again took center stage this week with the attention a migrant caravan

trying to reach the U.S. Southwest border has garnered – and the intense criticism coming from President Donald Trump, whose administration is "considering a wide range of administrative, legal and legislative options," a White House official told USA TODAY. What is the difference between immigration and asylum? Asylum and immigration don't mean the same thing. Immigrants come to the U.S. from somewhere else and want to stay. Those seeking asylum have already made it to the U.S. and contend they need to stay because of conditions in their homeland. Asylum requests are processed by U.S. Citizenship and Immigration Services. If appropriate, the agency will allow a spouse and unmarried children under 21 asylum as well.

Trump deploys active-duty troops as part of promise for 'very secure border'

[Washington Times](#) [10/25/2018 7:14 AM, Stephen Dinan and Carlos Muñoz, 547K, DC] reports that the Trump administration will send about 800 troops to the U.S.-Mexico border ahead of the illegal immigrant caravan, a defense official confirmed Thursday, following through on President Trump's pledge. Most of the troops will be active-duty Army soldiers who specialize in support operations such as logistics and engineering. Medical staff also will be part of the deployment, with an Air Force contingent assisting in aerial evacuations. They will join more than 2,000 National Guard troops already in the region, deployed in April as a previous caravan was testing the border. "You're going to see a very secure border. You just watch," Mr. Trump told supporters at a political rally in Wisconsin Wednesday night. "The military is ready. They're all set."

Trump to caravan: 'Turnaround,' 'Go back to your Country'

[Washington Examiner](#) [10/25/2018 2:58 PM, Robert Donachie, 567K, DC] reports that President Trump on Thursday warned the caravan of migrants heading to the southern U.S. border that they will not be let into the country and urged them to return home and apply for U.S. citizenship through the proper, legal channels. "To those in the Caravan, turnaround, we are not letting people into the United States illegally. Go back to your Country and if you want, apply for citizenship like millions of others are doing!" Trump tweeted. To support Immigration and Customs Enforcement, Defense Secretary Jim Mattis announced Thursday that he is sending 800 troops to the border after receiving a request Wednesday from the Department of Homeland Security. The troops are not expected to use lethal force against caravan participants, but rather, they are likely to provide equipment and labor for tasks such as building fences. U.S. troops are not legally allowed to use deadly force in law enforcement operations.

Nielsen: U.S. troops have no 'intention' of shooting at caravan migrants

[Politico](#) [10/25/2018 8:26 PM, Brent D. Griffiths, 2709K] reports that Homeland Security Secretary Kirstjen Nielsen said on Thursday night that the military does not intend to shoot at Central American migrants if they cross into the U.S., as reports indicate that the federal government plans to send additional troops to the southern border while a large caravan of migrants continues to make its way through Mexico. "We do not have any intention right now to shoot at people, but they will be apprehended" Nielsen told Fox News host Martha MacCallum along the border in Arizona. "But I also take my officer and agent, their own person safety, extraordinarily seriously. They do have the ability of force to defend themselves." When asked whether troops would fire back if someone in the caravan shot at them, Nielsen demurred and said the government would "have to work through that" and that she would not tolerate any violence against U.S. border enforcement officers.

Reported similarly:

[Washington Examiner](#) [10/25/2018 11:07 PM, Diana Stancy Correll, 567K, DC]

President Trump latches onto migrant caravan as top issue in midterms

[USA Today](#) [10/25/2018 4:36 PM, John Fritze and Christopher Schnaars, 7165K] reports the caravan of Central Americans heading toward the United States is more than 1,000 miles from the border, but the political potency of their journey is already here. President Donald Trump is increasingly seizing on the caravan as an issue in the midterm elections, hoping the images of migrants walking through Mexico will energize GOP voters in battleground states and potentially tip the balance in the fight for control of Congress. The thousands-strong group of migrants may also play into a fight expected to pick up immediately after the election: Funding Trump's proposed border wall.

[FOX News](#) [10/25/2018 2:12 PM, Hollie McKay, 10787K] reports that while some claim the caravan began organically, others argue opponents of President Donald Trump's immigration policy have played a key role in the movement, with the aim of embarrassing the U.S. administration, and its supporters in Central American countries like Honduras. "This caravan was initially organized by Bartolo Fuentes, a known leftist activist and former member of the national Congress in 2013, representing the political party of deposed Honduras president Manuel Zelaya," Johan Obdola, President of Latin America-focused global intelligence and security firm IOSI, told Fox News. "Caravans didn't exist before 2010. Trips are carefully planned and coached. Aliens removed do share their experiences back home and that presents lessons learned for a return trip for others planning their first run," Gabriel Ruiz, a California border-based deportation officer with the U.S. Immigration and Customs Enforcement, told Fox News.

How a picture turned a sea of humanity into an 'invading army'

[Washington Post](#) [10/26/2018 2:11 AM, Rachel Hatzipanagos] reports images of a sea of people walking toward the U.S. border have been splashed across the front pages of newspapers and recycled on cable news all week, suggesting immigrants are poised to swarm the border like zombies in a B-movie. Often, the images come in the form of aerial photos where a single brown face can't be made out, connoting an invading military force rather than what they are: women, men and children, some in flip-flops and threadbare shirts, fleeing a region that is home to one of the highest murder rates in the world. The coverage is reinforced by language that is typically reserved for a plague or an organized army: The Associated Press published and then retracted a tweet calling them an "army of the poor." On Twitter, anti-immigrant posters use #StopTheInvasion alongside #MAGA. Even self-proclaimed members of the anti-Trump "resistance" have dehumanized the Central Americans while trying to defend them, by characterizing their value in the United States as "the help": This week, the National Association of Hispanic Journalists denounced coverage of the migrants that implied an "invasion."

Central American migrant caravan: Where are they now?

[USA Today](#) [10/25/2018 1:23 PM, David Agren and Daniel Gonzalez, 7165K] reports the controversial Central American migrant caravan, which President Donald Trump has turned into a U.S. midterms elections issue, crawled through southern Mexico on Thursday amid conflicting reports about whether it's growing or shrinking. One thing is certain: the caravan remains more than 1,000 miles from the U.S.-Mexico border. Some migrants began arriving

early Thursday to Mapastepec, a Pacific coastal town of less than 50,000 people in the state of Chiapas. The Mexican government estimates the number of people taking part in the caravan has fallen below 4,000, while those assisting it say it's ballooned to 10,000.

The [Los Angeles Times](#) [10/25/2018 12:15 PM, Patrick J. McDonnell, 3575K] reports that the caravan, mostly composed of people from Honduras, many on foot, has thinned since about 7,000 people crossed into southern Mexico from Guatemala in recent days. Unofficial estimates indicated that some 3,500 to 4,000 people were in the caravan when it reached Mapastepec, about 90 miles north of the Mexico-Guatemala border. Some caravan members may disperse and head to various crossing points, participants said. Some may attempt to catch rides on a northbound freight train, known as la Bestia, or the Beast. Many caravan participants have dropped out because of the difficulties. Aid groups, church volunteers and local families have provided food, water and other necessities. Many caravan participants have suffered from dehydration, exhaustion, insect bites and other ailments. Neither Mexican police nor immigration officials have made a concerted effort to deter the group.

Additional reporting: [VOX](#) [10/25/2018 11:50 AM, Dara Lind]

The Latest: Migrants hit snags with Mexican immigration

[Washington Post](#) [10/25/2018 4:18 PM, Associated Press] reports Mexican immigration officials appear to be intervening more aggressively with the movements of Central American migrants trying to make their way through Mexico and to the U.S. via a sprawling caravan. A taxi driver in the southern Mexico town of Mapastepec recounted Thursday having seen immigration agents force migrant passengers out of cabs at a checkpoint. Later, hundreds of migrants were given free passage at the same checkpoint as Mexican officials watched. An official from Mexico's Human Rights Commission said migrants can go through if they are in vans or trucks that offered them rides for free. But if they paid fares, they must get out because of insurance regulations. Migrants may also walk through the checkpoint. The human rights official, who was in uniform, said he was not authorized to speak about the matter and did not give his name.

Long odds and slow lines await migrant caravan at US border

[Washington Post](#) [10/25/2018 6:03 PM, AP, Elliot Spagat] reports that a woman arrived just after sunrise at the Mexican entrance to the busiest border crossing into the U.S. and was quickly surrounded by nearly 100 migrants. She opened a tattered, hardcover notebook bound with silver duct tape and began shouting out numbers from a handwritten list. Migrants came forward when their numbers were called, the signal that they could proceed to San Diego on the American side and ask for asylum in the United States. Most of them had been waiting more than a month in Tijuana for that moment to come. At border crossings in Texas, asylum seekers camp at the midpoints of bridges connecting the two countries, waiting for days for U.S. border inspectors to say their turn has come. At Tijuana, the wait is more than a month, giving rise to an informal take-a-number system apparently run by volunteers who are themselves asylum seekers. Asylum seekers may be held in immigration jails until their cases are decided by an immigration judge, which can take as little as a month or two. Many other immigrants are released into the U.S., often with ankle-monitoring bracelets, while they await a ruling that can take years – a practice the Trump administration has condemned as "catch and release." The odds of ultimate success for the

caravan members appear slim. On top of that, Attorney General Jeff Sessions ruled in June that fleeing gang or domestic violence is generally not considered grounds for asylum.

Organizer Admits Caravan Is a 'Mass Exodus' from Central America to U.S.

[Breitbart](#) [10/25/2018 7:54 PM, John Binder, 2405K] reports that the organizer of a 7,000-strong migrant caravan headed to the United States admits that the effort is a "mass exodus" from Central America. In an interview with USA Today, Pueblo Sin Fronteras organizer Alex Mensing admitted that the caravan is less about foreign nationals looking for legitimate asylum and more about the movement of entire populations from Central America to the U.S. "There's no one in charge of this thing," Alex Mensing, an organizer for Pueblo Sin Fronteras, an immigration rights group, told USA TODAY. "It's a mass exodus." Pueblo Sin Fronteras is the main open borders organization that has helped organize the migrant caravan. Another organizer of the caravan, Bartolo Fuentes, admitted in an interview that the migrants are looking for jobs in the U.S. – which is an ineligible asylum claim.

Migrant Caravan Organizers Could Face Criminal Charges: Former DOJ Prosecutor

[Epoch Times](#) [10/25/2018 10:16 AM, Zachary Stieber, 206K] reports the organizers and financiers behind the migrant caravan currently headed to the United States could face legal charges, a former Department of Justice prosecutor said. "If they are organizing and financing and trying to encourage people to cross illegally, to cross outside the points of entry, it's at least arguable that there is alien smuggling and racketeering charges that could be investigated," James Trusty said in an interview on Fox News. Tom Homan, former acting director of Immigration and Customs Enforcement, said later on Laura Ingraham's show that anyone assisting the caravan "is absolutely aiding and abetting and helping people make an illegal entry." "That is a violation of United States code 1324, which is alien smuggling," he added. "It's a felony. So HSI needs to work with the partners in Mexico, identify these people and prosecute."

Newt Gingrich: Migrant caravan on the march – What we must do if (or when) the caravan arrives at our border

[FOX News](#) [10/25/2018 2:12 PM, Newt Gingrich, 10787K] reports that the caravan of an estimated 7,000 Central American invaders trekking through Mexico toward the United States is roughly 1,000 miles from the nearest point of entry. A second group of roughly 1,000 is also seeking to join them. They may still be weeks away from our border, but this leaves little time for President Trump, Congress and all Americans who care about our national sovereignty and the rule of law to solve three incredibly pressing challenges. First, we must determine – and do – what we can right now to end this invasion before it reaches our doorstep. Second, we must develop and execute a cohesive, efficient, effective plan for preventing these invaders from illegally crossing our border – and for swiftly deporting those who are successful. Finally, we must fix the debilitating stupid amalgam of immigration laws, policies and court rulings that enable and encourage migrants to band together and stage these types of illegal invasions. President Trump should instruct Attorney General Jeff Sessions to issue a clarification to define the qualifications for asylum. Asylum is meant to provide protection for people who are fleeing real persecution and human rights abuses, such as genocide. Simply being from a poor country that lacks opportunities does not qualify someone for asylum.

Migrants In The Caravan Have The Right To Claim Asylum In America. We Should Remember That

[Newsweek](#) [10/25/2018 7:30 AM, Abigail Stepnitz, NY] reports roughly 5,000 people, mostly from Central America's violent and unstable "Northern Triangle" of Guatemala, El Salvador and Honduras are reportedly making their way through Mexico with the intention of claiming asylum at the U.S. border. The so-called "migrant caravan" is attracting intense social and political attention, with U.S. President Donald Trump declaring it a "national emergency." He has also claimed, erroneously, that the migrants "have to" claim asylum in Mexico first. Migrants aren't obligated to claim asylum in any country, but have a right to seek asylum in a country of their choosing, the right to a fair process in that country, and crucially, a right not to be sent back to a country where they will face persecution—or even death. I've been working with asylum-seekers in Europe and the U.S. since 2008. Over the last decade I have witnessed firsthand the increasing pressure on the asylum system to manage complex situations at borders. The reality is that even if the migrants currently traveling through Mexico are able to claim asylum at the U.S. border—a big if, considering they are still more than 1,000 miles away—the legal path to safety is challenging. What has always been a difficult process has been made more difficult by growing governmental and public concern that asylum-seekers are gaming the system or that asylum itself has become a backdoor route for economic migrants. Pressures like these lead to ever-narrowing legal protections for asylum-seekers.

Q&A: Migrant Caravan and the US Immigration System

[Heritage Foundation](#) [10/25/2018 9:55 AM, Staff] reports for the second time this year, a caravan of migrants is making its way through Mexico toward the U.S. southern border. President Donald Trump has said the caravan will not be allowed into the United States, and vowed to send the U.S. military to assist in securing the border if necessary. Ana Quintana and David Inserra of The Heritage Foundation have been closely following the issue. I sat down with them to get their thoughts. Timothy Doescher: This caravan seems to be well-organized and well-funded. But many on the left seem to ignore that and say, "This is an organic march of people who are just looking for a better life in America." What have you observed?

Inserra: ...Unfortunately, most people try to sneak across the border. Then you have the concept of asylum. How do you seek asylum? That's what many people here in this caravan are supposedly going to be doing—seeking asylum. To seek asylum, you can do it two ways. You can either do it affirmatively: You show up at a port of entry and say, "I would like asylum." And then we have a process for dealing with you because you've done it the right way. You've done it legally. There's nothing illegal about that. Many other people are going to sneak across the border and we're going to catch them. And then when we're in the process of deporting them they'll say, "No, you can't deport me because I would like to now seek asylum defensively." The problem is that you combine that with this policy of catch-and-release, which is required because of certain court cases. If you claim asylum, you have a child with you, the United States can't adjudicate your asylum case in less than 20 days, which means we have to release the child. The earlier policy of the Trump administration was "no tolerance," which meant that we have to release the child, but we're still going to hold onto the parents because they broke a law. They illegally crossed the border. But then that was dividing parents from children. So now their de facto policy is to release the children so we don't divide the families. We just release them all and hope they show up in immigration court in a few years.

The caravan's advocates are destroying immigration and humanitarian law

[American Enterprise Institute](#) [10/25/2018 7:30 PM, Michael Rubin] reports many journalists highlight humanitarian reasons for refugees deciding to pull up stakes to make the long and, at times, hazardous journey northward to the United States. These stories may be true, even if they are cherry-picked. Too many journalists subordinate the neutrality of the craft to political enabling. They are more likely to convey a compelling story that advances their own political agenda than report the case of a migrant who admits he or she just wants to make more money or to enjoy a more generous social safety net. Regardless, even if the entirety of the caravan do not feel safe in their homelands, a family fearing political reprisals in Nicaragua are safe when they reach Honduras or Guatemala. Mothers fleeing gang violence in El Salvador are out of immediate danger when they reach Mexico. If the United Nations High Commissioner for Refugees and various non-governmental organizations truly cared about refugees or international law, they would seek to process them across the borders from their countries of origin. Venezuelan refugees might end up in Colombia or Brazil, Hondurans might end up in Guatemala, and Guatemalans in fear for their lives might seek refuge in Mexico. Those are the countries in which the refugee camps should be built. After all, proximity is a virtue, as the goal of refugee relief is to remove people from harm's way but then seek a return once danger recedes.

When it comes to the migrant caravan making its way through Mexico, the ramifications of the arguments made by immigration activists and an increasingly large chunk of the Democratic Party are as serious as they are absurd. Put aside the notion of nationalism and the meaning of citizenship itself. If every migrant or refugee has the right to come to the United States, what is the point of visas? If illegal immigration is embraced, what is the benefit for adhering to the laws and regulations which govern legal immigration? President Trump has sought to reduce the State Department's budget. Would immigration activists propose that Trump slash most if not all consular positions? After all, if visas are beside the point, why maintain a staff to issue them? And if the visa process is arbitrary, what does that mean for all the background and security checks worked into the system? Proponents of the Obama administration's efforts to welcome Syrian refugees, for example, sought to assure the public that each would go through multiple background checks before ever stepping foot on American soil. If those checks served any purpose, why should every other potential migrant not meet the same standard of vetting before reaching the United States?

Federal officials release more migrant families at the border, citing an uptick

[Houston Chronicle](#) [10/25/2018 9:00 PM, Lomi Kriel, 3350K, TX] reports President Donald Trump's administration is releasing thousands of Central American families after briefly detaining them at the border, overwhelming nonprofits from El Paso to San Diego who are suddenly scrambling to find them temporary housing and transportation to their final destination. This week, federal officials asked Annunciation House, an El Paso shelter, to take in 1,300 adults and children with even more expected next week. "After decades of inaction by Congress, the government remains severely constrained in its ability to detain and promptly remove families with no legal basis to remain in the U.S. As a result, family units continue to cross the border at high volumes," said Sarah Rodriguez, a spokeswoman for Immigration and Customs Enforcement, in a statement. The agency "no longer has the capacity" to conduct the additional review procedure without risking the violation of how long minors can be detained, an ICE spokeswoman said in a statement. Family detention centers are never at 100 percent capacity because of restrictions on what genders and ages can be housed together. A spokeswoman for ICE also noted that the facilities have had similar population counts at other periods when the flow of families coming here was nearly as high.

ICE: Change to procedure to speed up release of detained migrant families

[ABC 10 News](#) [10/25/2018 1:15 PM, Jermaine Ong, 71K, CA] reports that Immigration and Customs Enforcement officials said a procedural change will allow for the expedited release of migrant families being held at the U.S.-Mexico border. Under the 1997 Flores Settlement Agreement, detained migrant families or children are to be released from U.S. government custody within a 20-day period. With the increase in migrant families arriving at the border, the Department of Justice in July asked that the 20 days of detention be extended. Before a family or minor's release, ICE officials would typically arrange a review of their "post-release plan," which included "travel arrangements to reach a final destination within the United States." As of Oct. 23, ICE officials said they have stopped conducting the reviews and "family units that are released will be enrolled in a form of ICE's Alternatives to Detention or released on another form of supervision." Officials said migrants "will be issued a Notice to Appear in immigration court, as appropriate. ICE continues to work with local and state officials and NGO partners in the area so they are prepared to provide assistance with transportation or other services." ICE officials said the decision to change their procedure was "due to the recent uptick in family units presenting themselves along the Southwest border."

If Parents Get Deported, Who Gets Their Children?

[Huffington Post](#) [10/25/2018 10:58 AM, Teresa Wiltz, 9094K] reports as the Trump administration increases immigration enforcement actions against working adults, grandparents and other extended family members — often immigrants themselves — are stepping in to care for many of those children left behind. One in five children being raised by extended family members — grandparents, aunts, uncles, cousins — live in an immigrant household, more than half a million children, a new report shows. And as the number of deportations continues to rise, the number of immigrant "grandfamilies" will increase as well, researchers say. These immigrant grandfamilies face formidable challenges: traumatized children, lack of easy access to social services such as Medicaid and food stamps, and a fear of engaging with government agencies lest caregivers be deported as well. Immigration advocates have called for greater resources from federal, state and local officials. Some state governments have stepped in, to help immigrant parents prepare for the prospect of being separated from their children, who often are American citizens, and to help caseworkers ensure that minors will be cared for if parents are deported. In May, Maryland Gov. Larry Hogan, a Republican running for re-election in a left-leaning state, signed a law allowing parents to designate a guardian to care for their children "in the event of an adverse immigration action" without losing their parental rights. In June, New York Gov. Andrew Cuomo, a Democrat who also is running for re-election, signed a law that would allow immigrant parents who've been detained in the state or are facing deportation to appoint a guardian for their children. With these laws, nothing happens until the "triggering event," such as a deportation, arrest or official notice from U.S. Immigration and Customs Enforcement, known as ICE.

Ex-DHS staffer says he quit over Trump administration's handling of family separation policy

[The Hill](#) [10/25/2018 10:09 PM, Brett Samuels, 2630K] reports that a former civilian staffer at the Department of Homeland Security wrote Thursday that he quit his job earlier this year out of a belief that the Trump administration was ignoring legal concerns about its family separation policy toward migrant children. Scott Shuchart wrote in a piece for The Washington Post that he quit his job over the summer as a senior adviser at the DHS Office

for Civil Rights and Civil Liberties in light of the administration's "zero tolerance" policy, which prosecuted any individual who crossed the border illegally. He claimed multiple lawyers throughout the government, such as himself, raised concerns that the policy violated U.S. or humanitarian laws.

Careless cruelty

[Washington Post](#) [10/25/2018 4:15 AM, Scott Shuchart, 11653K] reports that the Department of Homeland Security, where I worked as a senior adviser in the Office for Civil Rights and Civil Liberties, had been making a show of prosecuting undocumented immigrant parents for weeks, cleaving them from their children without paying much attention to where the family members went or setting up any procedure for tracking and reuniting them later. My office had played a central role, for years, in Homeland Security's treatment of families and children. But when a cadre of Trump administration political appointees put the family separation plan into motion, neither they nor the career staff in the immigration enforcement agencies under DHS consulted with the civil servants in my office. When media reports throughout April and May led us to understand what was going on, we had urgent questions: What exactly was the policy? What had DHS's front-line agents in Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) been told to do? How had the department assessed the risk that litigation would interfere with the policy? How was this justified in light of our treaty obligations toward refugees? And why was the department pushing out transparently misleading — or simply false — statistics to justify these steps? We were obliged, under the law that created our office, to register our objections that the administration was knowingly violating people's rights.

Is the US in an 'illegal' immigration crisis? Border patrol data suggests otherwise

[The Guardian](#) [10/25/2018 4:00 PM, Molly Molloy, UK] reports Donald Trump rails against an "onslaught of illegal aliens" possibly including MS-13 gang members and "Middle Easterners" poised to invade the US; news organizations cover the slow progress of a migrant caravan heading through Mexico as if it were a looming hurricane; humanitarian workers from California to Texas struggle to provide shelter for an unprecedented number of families released from border patrol holding cells. Going by the headlines of the day, you might be forgiven for thinking that the US is in the midst of an unprecedented crisis of illegal migration across its southern frontier. But illegal border crossings have declined significantly from record highs in the early years of the 21st century. According to the latest statistics from US Customs and Border Protection (CBP), 396,579 undocumented people were apprehended after entering the country illegally in 2018. Another 124,511 people presented themselves at ports of entry, many seeking humanitarian protection, but immigration officials found them inadmissible. In 2000, however, more than 1.6 million illegal border crossers were apprehended. In 2001, the figure was 1.3 million.

[PA] Accused of harming children at its North Philly shelter, VisionQuest now plans to house immigrant youth here

[The Inquirer](#) [10/26/2018 5:00 AM, Jeff Gammage, PA] reports one child's head crashed through a wall during an altercation with a staffer at the VisionQuest shelter for troubled youths in North Philadelphia. Another youngster was struck in the face by an adult worker during an argument over a chair. In a separate incident, a youth was choked and slapped by a staff member. But physical violence toward children wasn't the only problem at the Arizona-based company's facility, according to Pennsylvania state inspection reports. Two staffers repeatedly cursed at the children, telling them, "You're nothing," and promising to

"make life a living hell," inspectors wrote. The shelter closed in late 2017. Now VisionQuest is back in Philadelphia, intending to use the same Logan neighborhood building to house 60 undocumented immigrant children, all boys ages 12 to 17, who arrived alone at the nation's southern border. They'll come here from shelters around the country, among the thousands of "unaccompanied minors" who fled violence and poverty in their homelands of El Salvador, Honduras, Guatemala, and Mexico. VisionQuest had contracted with the city to provide protective care to teenagers awaiting court adjudication and placement, and other at-risk youths needing short-term supervision. The work could be difficult. At one point in 2013, for instance, 40 percent of the children at the shelter were mentally ill, and 85 percent had been judged delinquent, meaning they would have been convicted of crimes if they were adults.

[MD] Attorneys see longer detention times for migrant children in Maryland as ICE detains potential sponsors

[Baltimore Sun](#) [10/25/2018 11:55 AM, Thalia Juarez, 413K, MD] reports that this spring, under an agreement between the departments of Health and Human Services and Homeland Security, the Office of Refugee Resettlement began sharing information with Customs and Border Patrol and Immigration and Customs Enforcement. The agreement dictates fingerprints be collected from not only potential sponsors but from all adults in their household. While ICE says the change is meant to keep children safe from traffickers, immigration attorneys say it can deter people who don't have documentation or who are going through immigration proceedings themselves, increasing the length of stay for youth. Currently, the average length of care for unaccompanied children in HHS shelters is approximately 59 days, up from 41 days during the fiscal year that ended Sept. 30, 2017. Since the April signing of the agreement, ICE has arrested 41 people who came forward in the sponsorship process, ICE senior official Matthew Albence told Congress in September. ICE declined to comment on arrests made as a result of this new process.

[GA] Emails reveal tension between ICE, Atlanta on immigrant jail decision

[Atlanta Journal And Constitution](#) [10/24/2018 8:00 PM, Jeremy Redmon, 559K, GA] reports federal immigration authorities complained last month they were excluded from key discussions leading up to Atlanta's decision to stop detaining in the city jail people facing deportation, according to documents obtained under Georgia's Open Records Act. In an email to city officials, U.S. Immigration and Customs Enforcement said some of its top Atlanta officials were asked to leave a meeting of a mayoral committee studying the issue. Further, ICE asked the city to remove its name from the executive order Mayor Keisha Lance Bottoms signed on Sept. 6 to carry out her decision. A separate email the federal agency sent the city the same day said it was inaccurate to describe in the executive order ICE's privately run detention centers as "substandard." Recalling the meeting where ICE officials were asked to leave, Kristen Sullivan, ICE's assistant Atlanta field office director, said in a Sept. 6 email to the mayor and other city officials that "the subsequent discussion and recommendations made by the advisory committee were done without ICE input after excluding ICE from the process." "Any suggestion that ICE was included in this discussion or concurs with its recommendations should be removed from the executive order," Sullivan wrote.

ICE spokesman Bryan Cox said that "if the committee had any outstanding questions about this agency, that's because of the committee's own actions." "We were asked to leave prior to the committee hearing public testimony and also prior to committee deliberations," Cox

said. "This resulted in the committee only hearing one-sided allegations about this agency while it declined to hear from ICE." "The end result is likely to be more persons encountered by ICE, not less," said Cox, the ICE spokesman. "And that is simply due to the nature of how enforcement is done. But to describe that as retaliation would be categorically false." Asked what ICE has done concerning Atlanta's decision, Cox said: "The Atlanta City Detention Center accounted for less than 10 percent of ICE's detention capacity in Georgia. Since the mayor's prior announcement in June to not accept new detainees, this agency simply placed detainees at other facilities."

[GA] A Blue Georgia may put ICE officers in the crosshairs of violent felons

[Washington Examiner](#) [10/26/2018 12:54 AM, Jason Piccolo, 567K, DC] reports that former Attorney General Eric Holder recently said of Republicans, "when they go low, we kick them." He was speaking in support of Stacy Abrams, the Democratic nominee for governor of Georgia. Earlier this year, Abrams said she wants to cancel government agreements with Immigration and Customs Enforcement. She went on to say, "all good-minded Georgians – regardless of political party – must demand action, not rhetoric, to end the administration's cruel policies that run counter to our nation's values." She was referring to the contracts that the city of Atlanta maintains with ICE. Abrams has spoken out against ICE as she campaigns across Georgia, saying the Trump-supported ICE "terrorizes families." The Department of Homeland Security's Inspector General reported that ICE officers suffered 48 assaults in 2017, up nearly 100 percent from 25 in 2016. Most of the reported assaults occurred in the sanctuary state of California, according to the DHS Inspector General. The actual number may be higher – ICE admitted they did not adequately track assaults on their officers. The continued movement to pass sanctuary city laws is placing ICE in the direct crosshairs of violent at-large felons.

[OH] Sanctuary explored as ICE activity increases

[YS News](#) [10/25/2018 7:31 PM, Diane Chiddister, OH] reports when friends of Dayton attorney Kathleen Kersh express their outrage at the Trump administration's practice of separating immigrant families at the U.S./Mexican border, Kersh reminds them: the very same activity is taking place in Ohio, and at an ever-increasing rate. "This has become a real crisis for Ohio," Kersh said in a phone interview last Friday. "People don't know how hard Ohio is being hit." This Saturday, Oct. 20, local Quakers aim to spread the word about the increasing peril for undocumented immigrants in Ohio at a free and public event, "Building a Sanctuary Support Network in our Village." The event, which takes place at 7 p.m. in Rockford Chapel on the Antioch College campus, features Pastor Joel Miller of the Columbus Mennonite Church in Columbus, a church that has sheltered an undocumented woman for more than a year. Ohio has become the site of increasingly active efforts by the U.S. Immigration and Customs Enforcement, or ICE, to remove undocumented immigrants, many of whom have lived in the country for decades, according to Kersh, an immigration and civil rights lawyer at Dayton's ABLE Law, the legal aid firm for western Ohio. Two workplace raids this summer in northern Ohio garnered media attention when several hundred undocumented immigrant employees were arrested. ICE officials described one of the raids as the largest workplace raid in recent history in this country. The public affairs spokesperson for the ICE regional office, Khaalid Walls, did not return phone calls seeking comment.

[IL] As judges rule for sanctuary cities, Chicago sues Sessions for blocking new public safety grants

[ABA Journal](#) [10/25/2018 12:10 PM, Debra Cassens Weiss] reports litigation over President Donald Trump's order restricting federal grants to sanctuary cities continues, despite several rulings favoring the cities and other jurisdictions that limit cooperation with federal immigration authorities. Some of the latest battles concern restrictions placed on public safety grants administered by the Justice Department. The Justice Department is slowly releasing the Edward Byrne Memorial Justice Assistance Grants for fiscal 2017, but it has a new list of cities it is excluding from the grants in fiscal 2018 because of their failure to agree to the department's new conditions on immigration cooperation, Route Fifty reports. The most recent decision was issued on Wednesday, though it concerned a broader order by Trump restricting grants. U.S. District Judge Richard A. Jones of the Western District of Washington ruled that the cities of Seattle and Portland, Oregon, are entitled to appropriated funds as a result of a decision by the San Francisco-based 9th U.S. Circuit Court of Appeals, report KOMO and the Hill. Ruling in a different lawsuit, U.S. District Judge William Orrick of San Francisco on Oct. 5 struck down a requirement for immigration cooperation imposed on jurisdictions that receive the Edward Byrne public safety grants from the Justice Department. A week after Orrick's ruling, the city of Chicago alleged in a new lawsuit that Sessions has not released millions of dollars in Edward Byrne Memorial Assistance Grants for fiscal year 2018 because of its sanctuary cities policy.

[TX] More Shelter Space Needed Due to Increase in Immigrant Families

[KRGV](#) [10/25/2018 6:49 PM, Valerie Gonzalez, 12K, TX] reports that many families are packing into the Respite Center in McAllen, with an average of 500 people per day. It's set the shelter on a hunt for more space to accommodate them. Family units are classified differently by Border Patrol. Border Patrol Public Affairs Agent Marcelino Medina says, "a family unit can be comprised of a mother or a father and their child, or children." These families will frequently surrender to Border Patrol, which will process them and check their criminal history. "What's concerning is that sometimes we do encounter criminal aliens inside these groups trying to disguise themselves as family units," says Medina. They are taken by U.S. Immigration and Customs Enforcement. If they're released on their own recognizance, they're taken to temporary shelters like the Catholic Charities Respite Center. They've been seeing more immigrants seeking assistance, says Director of Rio Grande Valley Catholic Charities Sister Norma Pimentel.

[OR] Judge rules in Portland's favor in 'sanctuary city' lawsuit

[KATU](#) [10/25/2018 7:30 PM, Staff, OR] reports a Trump administration executive order withholding funding to Seattle and Portland over their "sanctuary city" policies is unconstitutional, a federal judge ruled Wednesday in a lawsuit filed by the two cities. U.S. District Court Judge Richard A. Jones wrote in his decision that "it would be unconstitutional for executive branch agencies to withhold appropriated funds from plaintiffs Cities of Seattle and Portland pursuant to ... the executive order." The ruling goes against one of President Trump's earliest executive orders to punish these cities for protecting undocumented immigrants. A little more than a year ago, Attorney General Jeff Sessions lashed out at Portland for being a sanctuary city. The decision comes after the 9th Circuit Court of Appeals ruled in August that President Trump acted beyond his authority when he issued an executive order attempting to penalize sanctuary cities for refusing to cooperate with the administration's immigration crackdown. The appeals court ruled in a case involving San Francisco and Santa Clara County, then sent the case back to U.S. District Court for additional fact-finding on the executive order's nationwide impact.

Reported similarly:

[Oregonian](#) [10/25/2018 1:44 PM, Gordon R. Friedman, 587K, OR]

[Seattle pi](#) [10/25/2018 2:56 PM, Daniel DeMay, 236K, WA]

Legal News

ICE sued for First Amendment violations

[Jurist](#) [10/25/2018 11:13 AM, Erin McCarthy Holliday] reports four immigrant rights organizations filed suit in federal court in the Pacific Northwest against the Immigration and Customs Enforcement (ICE) Tuesday alleging that ICE has been singling out immigrant activists in particular for deportation. Northwest Detention Center Resistance (NWDC), Detention Watch Network, The National Immigration Project of the National Lawyers Guild and the Coalition of Anti-Racist Whites allege ICE has been "systematically surveil[ed], detain[ed], and deport[ed] immigrant activists who speak out about immigration policies and practices." The suit argues this is a First Amendment-protected conduct.

ACLU Fights New Asylum Rule For Domestic Abuse Victims

[Law 360](#) [10/25/2018 9:33 PM, Kevin Penton] reports the American Civil Liberties Union pressed for a quick win Wednesday in a D.C. federal court case where the rights group asserts the federal government's restrictions preventing domestic abuse survivors from obtaining asylum conflict with safeguards mandated by Congress. U.S. Attorney General Jeff Sessions' June decision in a Board of Immigration Appeals case that he referred to himself and the subsequent legal guidance released by U.S. Citizenship and Immigration Services unduly heighten the standard that foreign-born individuals must meet to obtain asylum, in contrast to safeguards mandated in the Immigration and Nationality Act, according to a Wednesday memorandum urging support for the ACLU's September summary judgment bid. The organizations initiated the case in August, asserting that the government did not have the authority to implement the policy change and that under the newly heightened standard for asylum, those whose claims of fear are rejected at the screening stage face expedited removal proceedings, limiting their abilities to appeal.

Salvadoran Sues ICE Over Separation From 4-Year-Old Son

[Law 360](#) [10/25/2018 7:14 PM, Suzanne Monyak] reports immigration advocates urged a D.C. federal court on Thursday to reunify a Salvadoran asylum-seeker with her 4-year-old son after they were forcibly separated at the border, claiming that U.S. Immigration and Customs Enforcement's decision to keep the two separated violates her due process rights. The National Immigrant Justice Center, the Center for Constitutional Rights and attorneys with Gibson Dunn & Crutcher LLP accused ICE in a lawsuit of violating the Administrative Procedure Act and the Constitution's due process clause by refusing to reunite the woman, referred to as Ms. Q in court filings, with her young son, referred to as J., based on an "unsubstantiated" Salvadoran arrest warrant against her. As a result of that warrant, Ms. Q was excluded from relief in the class action known as Ms. L, in which a California federal judge ordered the reunification of all migrant families separated at the border under the Trump administration's "zero tolerance" policy on unauthorized border crossings. A spokesperson for ICE declined to comment on pending litigation.

BIA Properly Denied Asylum To Jordanian Immigrant: 6th Circ.

[Law 360](#) [10/25/2018 6:45 PM, Suzanne Monyak] reports the Sixth Circuit refused Thursday to shield a Jordanian immigrant convicted of assault and robbery from deportation, finding that the Board of Immigration Appeals had not committed a legal or constitutional error when it determined he was ineligible for asylum relief and other immigration remedies. In an unpublished opinion, a three-judge panel tossed Emad Saleh's appeal largely on jurisdictional grounds, holding that Saleh had failed to properly challenge the BIA decision — the only decision this court has jurisdiction to review — and had instead improperly focused his petition on alleged problems within the immigration judge's initial decision denying relief from deportation. According to the opinion, Saleh, who has been a legal permanent U.S. resident since 2009, pled no contest in March 2014 to counts of felonious assault and aggravated robbery in violation of Ohio state law and was sentenced to four years in prison. The U.S. Department of Homeland Security then initiated removal proceedings against him, saying his convictions constituted an aggravated felony, a deportable offense under the Immigration and Nationality Act. Saleh applied for asylum and a withholding of removal under the INA as well as a withholding or deferral of removal under the Convention Against Torture. But the immigration judge denied his application, finding that Saleh was not eligible for a deferral of removal under the CAT — a form of relief eligible to immigrants who have committed certain crimes but are "more likely than not" to be tortured if deported — because he had not shown that the Jordanian government condoned torture nor that he was likely to face it. The judge also ruled he was ineligible for the other protections because of his criminal convictions, according to the opinion.

[NY] ICE Sued For Poor Care Of Immigrant With Disabilities

[Law 360](#) [10/25/2018 3:30 PM, Suzanne Monyak] reports that U.S. Immigration and Customs Enforcement Deprived an HIV-positive detainee of his medication for nearly a week and administered that medicine improperly for months, causing psychological trauma and illness, a lawsuit filed Wednesday in New York federal court alleges. Jesus Prado, who suffers from HIV as well as other physical and mental disorders, sued ICE for negligence and emotional distress for the alleged improper medical care he received while held for nearly six months at a New Jersey civil immigration detention facility, allegedly causing Prado to experience daily nausea and vomiting and to develop a serious prostate condition. "ICE first breached its duty to ensure Mr. Prado received his necessary prescription medications, causing a lapse in treatment of several days that left him suicidal, nauseated and debilitated," the complaint says. "He experienced humiliation, difficulty sitting down or urinating and near-constant excruciating pain." Prado also accused ICE of violating his Fourth Amendment protections during his arrest by illegally entering and searching his residence and of trespassing and entering without a proper warrant under the Federal Tort Claims Act. Prado lobbied that Fourth Amendment claim under a 1971 U.S. Supreme Court case known as *Bivens v. Six Unknown Named Agents*.

[NY] New York state warns scams targeting immigrants are on the rise

[Times Union](#) [10/25/2018 4:11 PM, Mallory Moench, 118K, NY] reports that scams targeting immigrants are on the rise in New York. The state's Office for New Americans, which represents immigrants, and the Department of State's division of consumer protection said Thursday in a news release that they continue to receive reports of scammers taking advantage of immigrants, especially those new to the country and limited in English skills. There were 123 complaints made to the Office for New Americans' hotline from Jan. 2016 to Sept. 2018 about issues with notaries public and/or lawyers, which include possible scams. "These horrific acts of fraud not only rob hardworking New Yorkers of their money;

they demoralize immigrants from pursuing their American dreams and too often, squelch these dreams completely," New York Secretary of State Rossana Rosado said in the news release. Rosado warned about costly but unqualified legal providers, fraudulent visas processes and ICE impersonators.

[FL] United by Faith Legal Ministries leaving clients helpless

[WFTV](#) [10/25/2018 4:46 PM, Staff, 28K, FL] reports that United by Faith Legal Ministries is closing October 22, leaving clients like Veronica Absolon without representation after she paid \$4,600 to be represented by Antonio Urdaneta, who told Veronica he was an immigration lawyer. Urdaneta is not a lawyer but an accredited representative for UBFLM Inc, a non-lawyer who represents immigrants before the Department of Homeland Security and the Executive Office for Immigration Review.

[MI] ICE Misled a Judge to Keep Iraqi Immigrants in Detention, New Documents Show

[Mother Jones](#) [10/25/2018 4:50 PM, Noah Lanard] reports before Donald Trump became president, Iraqis facing deportation lived in limbo. The US government had ordered them removed—sometimes decades ago—but Iraq refused to take them. So Iraqis like Usama "Sam" Hamama, who came to the United States as four-year-old in 1974 and received a deportation order 24 years ago, continued on with their American lives. In the spring of 2017, their lives were upended when US Immigration and Customs Enforcement began rounding up Iraqis with deportation orders, after the Trump administration said Iraq had agreed to accept deportees. In theory, ICE was now free to detain the Iraqis without violating a 2001 Supreme Court decision that blocks immigrants from being jailed indefinitely when their home countries refuse to accept them. There was one problem: Newly unsealed court documents show that there wasn't actually an agreement with Iraq. Hundreds of pages of internal emails, memos, and handwritten meeting notes reveal that the Department of Homeland Security aggressively pushed Iraq to accept deportees against their will. With few exceptions, Iraq resisted those efforts and stuck to its policy of not taking deportees unless they volunteered to be returned to Iraq. Throughout those negotiations, ICE officials misled a federal judge by claiming there was an agreement with Iraq that allowed ICE to deport detained Iraqis. "The government has been caught red-handed providing false information to a federal judge," says Miriam Aukerman, a senior staff attorney with the American Civil Liberties Union of Michigan, which has fought to get the Iraqi detainees released. The deception shaped Judge Mark Goldsmith's January decision to allow ICE to continue detaining more than 100 Iraqis. If ICE hadn't hidden key facts, Aukerman says, it is "very likely" they would have been released earlier this year. More than three dozen Iraqis have given up after enduring months of detention and accepted voluntary deportation to Iraq, where they are at risk of being persecuted or killed.

On Wednesday, the ACLU argued in court that in light of the new evidence, the administration should be forced to release Iraqi detainees and strike ICE officials' false and misleading statements from court records. Khaalid Walls, an ICE spokesman, says in an email that as "a matter of policy, ICE does not comment on pending litigation." In January, Goldsmith declined to rule that Iraqis' detention violated *Zadvydas v. Davis*, the 2001 Supreme Court ruling that blocked indefinite detention of immigrants who cannot be deported. Goldsmith cited Schultz's statements about increased cooperation with Iraq as evidence for why the Iraqis could be deported, but he had his doubts and ordered the government to begin turning over documents about the alleged agreement. Aukerman says she had a "jaw-dropping moment" when she received some of the early documents. Internal

emails showed that Goldsmith had nothing to do with the \$500,000 flight cancellation; Iraq's prime minister had refused to allow the flight before the judge blocked the deportations. Then-ICE director Thomas Homan and a senior Department of Homeland Security official later called the Iraqi ambassador to pressure him to let the flight take place. The ambassador refused, prompting Schultz's boss to write that ICE had "exhausted" all of its options and had not "even been able to get a new tentative date for the flight."

[TX] Houston Rejects \$8 Million Settlement Offer From Child-Migrant Shelter Nonprofit

[Texas Standard](#) [10/25/2018 1:55 PM, Alexandra Hart & Michael Marks, 6K, TX] reports that The city of Houston has rejected a settlement offer from Southwest Key – that's the Texas-based nonprofit vying to open a child-immigrant shelter on the city's northeast side. KTRK in Houston reports Southwest Key sued the city in September, saying officials are illegally blocking the shelter for political reasons. The lawsuit alleges the city took a "meticulous effort" to block Southwest Key's plans, and that doing so is discriminatory and unconstitutional. The company is seeking an injunction and at least \$8 million in damages. The shelter would be used to house minors who have been separated from their parents at the border under President Donald Trump's so-called zero-tolerance immigration policy. In a previous interview with KTRK, Houston Mayor Sylvester Turner voiced concern about the city housing separated children. "I don't want, in the city of Houston, for us to be participating in a policy that I think is morally bankrupt. This is not about party, this is not about Democrat/Republican – nothing about that; it's about valuing children," Turner said.

[ID] Immigration Justice Idaho to provide free legal services

[Arbiter Online](#) [10/25/2018 7:29 PM, Chloe Baul, ID] reports that in Idaho, 75 percent of individuals who appear before Idaho's immigration court are unrepresented, largely because many of them can't afford private counsel—and that's all that is available for individuals in deportation proceedings, according to Maria Andrade, an immigration lawyer. Immigration Justice Idaho (IJI), is a Boise nonprofit founded by Andrade, and will be the first Idaho provider for free legal and referral services. "Unlike criminal court where you get a free public defender, there's no public defender, there's no free legal services for court proceedings provided by the government when you are in deportation proceedings," Andrade said.

Enforcement News

Gone and Not Gone: The Aftermath of a Deportation

[Medium](#) [10/23/2018 10:54 AM, Andrea Salcedo, 13110K] reports Aide Medal-Reyes, who had come to pick up her two-year-old daughter, was sitting in the lobby holding her cell phone to her ear. On the other line was her immigration lawyer, breaking the news that she feared the most. Twelve hours earlier, Aide still had some hope. But now it was over. Her husband had landed in Managua, Nicaragua. Mildred Roque-Tracey grabbed Aide by the hand and escorted her to Father James Kelly's office at St. Brigid Immigration Services. Her husband's case is not a simple one. His name is Jonathan Medal, and he crossed the U.S.-Mexico border with his mother and siblings "on or around August 2, 1985," when he was four years old, fleeing from persecution in Nicaragua, according to his immigration records. ICE has conducted 226,119 deportations in fiscal year 2017. Of those, 832 were

Nicaraguan citizens, their records indicate. The removals resulting from ICE arrests increased from 65,332 in fiscal year 2016 to 81,603 in fiscal year 2017, ICE records show.

[MA] Member of Mass.-based drug ring masking true identity, feds say

[Boston Globe](#) [10/25/2018 12:07 PM, Travis Andersen, 854K, MA] reports federal prosecutors in Boston say a convicted drug dealer is falsely claiming to be a US citizen, probably in an effort to avoid deportation, an allegation his lawyer denies. The dispute emerged in court filings this week in the case against a man identified by the government as Jose Negron, a 38-year-old Dominican national. His lawyer says his true identity is Edwin Padilla, a 39-year-old US citizen born in Puerto Rico. According to prosecutors, probation officials found "ICE records indicate that the defendant was born on March 3, 1980 in the Dominican Republic and that he is not legally present in the United States. The defendant was questioned by ICE on January 31, 2017. He provided ICE with multiple Puerto Rican identities, which all were proven not to be the defendant." According to the defendant's attorney Eduardo Masferrer, "Immigration and Customs Enforcement has not filed a civil detainer against the Defendant; they have not placed him into removal proceedings; they have not stated who they claim Mr. Padilla to be other than the name he has provided."

[MA] ICE: Detain rape suspect

[Boston Herald](#) [10/26/2018 6:10 AM, Sean Philip Cotter, 207K, MA] reports that ICE is asking that a suspected illegal immigrant be kept behind bars after the man was charged with raping a 12-year-old Milford girl. Jaime Martin Guaman-Pomavilla, 27, of Milford is an Ecuadorian in the U.S. illegally, federal Immigration and Customs Enforcement spokesman John Mohan told the Herald yesterday. ICE is requesting that the Worcester County House of Correction, where Guaman-Pomavilla remains on \$25,000 cash bail, continue to hold him on an immigration detainer even if he posts bail.

Reported similarly: [Milford Daily News](#) [10/25/2018 4:17 PM, Alison Bosma, 5K, MA]

[CT] Conn. Man Seeks New Stay Of Deportation After More Than 300 Days In Sanctuary

[New England Public Radio](#) [10/25/2018 6:54 AM, Frankie Graziano, 5K, MA] reports as attorneys continue to plead for a stay of deportation for an Ecuadorian man currently in sanctuary in Connecticut, his family spoke out Wednesday on his behalf. They stood outside of the federal building in Hartford which houses a local office of Immigration and Customs Enforcement. Nelson Pinos has been in sanctuary for 328 days -- living in the basement of a downtown New Haven church since he was ordered to leave the country last November. His eldest daughter Kelly is asking ICE agents to put themselves in her father's shoes. Supporters and leaders in the religious community kept vigil outside of the courthouse Wednesday night.

[DE] Delaware Child Rape Suspect Is Twice-Deported Illegal Alien, Feds Say

[The Daily Caller](#) [10/25/2018 1:57 PM, Will Racke, 909K, DC] reports the man who police say raped a 6-year-old Delaware girl over seven years ago is a Mexican national who has been deported twice, according to immigration officials. Police in Dover, Delaware, identified Juan Carlos Hernandez, 33, as the primary suspect in the alleged rape on Oct. 4, after the victim disclosed details of the incident to a school therapist. Following a "forensic interview" with the girl and a review of related evidence, police obtained an arrest warrant for Hernandez on charges of second-degree rape. In a statement provided to TheDCNF on

Wednesday, an Immigration and Customs Enforcement official confirmed that Hernandez was unlawfully present in the U.S. at the time of the alleged rape. "On Feb. 6, 2011, deportation officers with ICE's Enforcement and Removal Operations Dover arrested Juan Carlos Hernandez-Tapia, 33, a citizen of Mexico, after he was arrested on local charges by the Dover Police Department," the official said. "On Feb. 16, 2011, ERO Dover lodged a detainer on Mr. Hernandez-Tapia with the James T. Vaughn Correctional Center in Smyrna, Delaware. Upon his release from local custody, he was turned over to ERO and arrested on immigration violations."

[PA] Nine months after initial arrest by Philly Customs, illegal immigrant scheduled to be released

[Metro](#) [10/25/2018 10:37 AM, Sam Newhouse, 106K] reports a gay Mexican immigrant married to an American is set to be released from federal custody Thursday, nine months after he was detained while applying for legal citizenship in Philadelphia. Jose "Ivan" Nunez Martinez, who came to the U.S. illegally in 2001 out of fear for his life after a gay friend was killed in Mexico, was arrested on Jan. 31, 2018, while he was in the U.S. Citizenship and Immigration Services office in Philadelphia to apply for citizenship. Martinez' husband, Paul Frame, said at the time that he had urged Ivan to apply for legal citizenship to improve his quality of life - not knowing that Ivan's application would trigger an ICE detainer on a 2010 deportation order from the last time he was caught illegally crossing the border. On Oct. 24, an immigration judge ordered Ivan released from a York County detention facility on a \$10,000 bond pending the resolution of his immigration case, WHYY reported.

[MI] New hope for mother deported to Albania after living in US for 18 years

[ClickOnDetroit](#) [10/25/2018 8:00 PM, Koco McAboy and Kayla Clarke, 187K, MI] reports that an Albanian mother of three was deported after living 18 years in Michigan, but a court has decided to give her case another look. Peter Gojcevic's life drastically changed in a matter of months after his wife, Cile Precetaj, was deported to Albania. After several appeals and denials the 6th Circuit Court in Cincinnati ruled in Precetaj's favor, believing the Board of Immigration Appeals should reopen her asylum case.

[TX] Indigenous Guatemalan woman granted temporary relief from deportation

[Brownsville Herald](#) [10/25/2018 9:30 PM, Mark Reagan, 5K, TX] reports that a federal judge ordered the government on Wednesday not to deport an indigenous Mayan woman from Guatemala who suffered years of alleged sexual abuse by family members starting when she was just 7 years old. U.S. District Judge Rolando Olvera during a telephone conference with attorneys for the woman and the government ordered federal immigration authorities to provide the woman with a new reasonable fear interview conducted in her native tongue of Popti, a Mayan dialect. She first encountered immigration authorities as a teenager who was 7 months pregnant with no understanding of Spanish when she first appeared before an immigration judge without an attorney. According to her attorneys, the woman was told to sign a document that she didn't understand which turned out to be a voluntary departure form. When she failed to self-deport, immigration authorities arrested her and the woman accuses the lawyer she hired of failing to request an asylum interview. Immigration and Customs Enforcement deported the woman in Aug. 2017, but she re-entered the country and was again arrested and detained.

[CO] Chickenpox outbreak at ICE detention site in Aurora prompts outcry from immigration rights' groups

[Denver Post](#) [10/25/2018 6:38 PM, Sam Tabachnik, 390K, CO] reports that Immigration and Customs Enforcement on Thursday confirmed 10 detainees at an Aurora immigration detention facility have been quarantined for chickenpox, drawing accusations by immigration activists of medical negligence and due-process violations. Spokesmen from ICE and the GEO Group, the private company contracted to run the facility, disputed the allegations. Immigration groups contend the quarantine is preventing detainees from being able to speak face-to-face with their lawyers, visit with family and attend hearings. They also allege that ICE has not followed its medical protocols when it comes to caring for detainees. "(Colorado Immigrant Rights Coalition's) disingenuous media advisory and news conference are obvious attempts to misinform the public about serious detention issues that it is not qualified to address – especially without first contacting my office in advance," ICE Field Office Director Jeffrey Lynch said in statement.

Additional reporting: [Westword](#) [10/25/2018 3:27 PM, Chris Walker, 128K]

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
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Executive Office for Immigration Review

A call for independent immigration courts

[Daily Camera](#) [10/27/2018 7:05 PM, Nicole A. Murad, CO] reports that many Americans are not aware that our nation's immigration courts, unlike other courts, are part of the U.S. Department of Justice — the very same law-enforcement agency that is charged with prosecuting immigration cases in federal courts. Just as it would be unacceptable for a district attorney to supervise trial judges, it should be unacceptable for the attorney general to control the jurisprudence, docket management, and even the terms of employment of immigration judges. This has long been recognized as a fundamental structural flaw in our immigration court system, but Congress has so far failed to rectify the situation and create a new system that is truly independent. Our immigration court system has been flawed for a long time, but under the leadership of Attorney General Jeff Sessions, it is clear that this is a problem we must address now. This flaw in our judicial system has made it vulnerable to the extreme policies of the attorney general. The attorney general has wielded his incredible power over our courts in unprecedented ways. He has plucked cases from the courts to decide himself, he has emphasized quantity over quality at every turn, and as of Oct. 1, he has even required judges to finish cases under quotas or face discipline

Farewell, Your Honor: Chelan County's Judge McSeveney departs for immigration post

[Fiber One](#) [10/26/2018 11:11 AM, Jefferson Robbins] reports Robert McSeveney wasn't a Chelan County judge for very long, but he made a lot of friends along the way. McSeveney left the Superior Court bench this week, to return to his former job as a U.S. Immigration Court judge. He previously filled that role in San Diego; this time, the Wenatchee judge will stay closer to home and preside over immigration cases in Seattle.

[NY] New York's undocumented children face greater risk of deportation

[Albany Times Union](#) [10/28/2018 12:39 PM, Mallory Moench, 118K, NY] report when gangs in El Salvador began to target young teenager Rosa to be a "girlfriend" most often used for prostitution to earn money, she knew she had to leave home. Another Capital Region youth, 17-year-old Jose, was abandoned by his father at birth in Guatemala. As they wait for their

applications to stay in the U.S. legally to be processed by the government, their cases are before judges in immigration court in Buffalo and New York City who will decide whether they should be deported. More than 12,700 undocumented youth like Rosa and Jose have flooded New York's immigration courts this year, adding to a skyrocketing influx of tens of thousands over the past decade.

Rosa and Jose are two of 16 undocumented youths in the Capital Region represented by Mary Armistead, an attorney at legal aid organization The Legal Project in Albany, and eight volunteer lawyers. Armistead has seen the number of cases jump from 10 three years ago to 30 last year. A third of the youths currently in immigration court don't have lawyers. Starting earlier this year, judges in New York City skirted an earlier Jeff Sessions' decision and started issuing orders to juveniles that their cases have been placed on an alternative "Status Docket" while their visa applications are pending.

Policy and Legislative News

Trump preparing to deliver major immigration speech just days before midterms

[Washington Post](#) [10/26/2018 6:18 PM, Nick Miroff and Maria Sacchetti, 11653K] reports that President Trump is preparing to announce a sweeping border crackdown in a speech Tuesday, a week before the midterm elections, where he is expected to invoke emergency powers to stop migrants from entering the United States and depict them as a grave national security threat, administration officials said Friday. Trump is considering steps that would bar migrants from crossing the border and deny them a chance to apply for asylum in the United States, measures that legal scholars and immigrant rights groups say would contravene U.S. laws and international treaties, likely triggering challenges in federal court. Trump plans to approach the speech as a chance to lay out his vision for an overhaul of immigration policies and border security, according to aides, eager to convince voters his party will take a firm stand on border security.

[WNYC](#) [10/26/2018 11:35 AM, Staff, 150K, NY] reports that Washington Post national security reporter Nick Miroff talks about the latest news from the border, plus how the caravan of asylum seekers traveling through Mexico to the U.S. from Central America has become a perfect wedge issue for President Trump ahead of the midterm elections. Plus New York Times reporter Annie Correal calls in to talk about what she's seeing and hearing from migrants as she travels with the caravan through Mexico. [Editorial note: consult source link for audio]

Additional reporting:

[The Hill](#) [10/28/2018 8:00 AM, Rafael Bernal, 2630K]

[The Hill](#) [10/26/2018 10:45 AM, John Bowden, 2630K]

[Breitbart](#) [10/27/2018 11:49 AM, Neil Munro, 2405K]

[WNYCFM](#) [10/26/2018 11:41 AM, Nick Miroff, NY]

The Migrant Caravan: What to Know About the Thousands Traveling North

[New York Times](#) [10/26/2018 5:11 PM, Annie Correal and Megan Specia] reports for two weeks, throngs of people have trudged north, crossing first from Honduras into Guatemala and then on to Mexico, bound for the United States border. They have spent nights in sprawling makeshift camps or in churches and schools, washing their clothes in rivers and relying on donations from locals. As their numbers grew into the thousands, so did attention

to their journey, first making news locally and then internationally, as President Trump and Republican politicians took aim. The conversation about the migrant caravan has been characterized by misinformation at times, some of which has spread widely. Here are some important things to know about the group's origin, who is involved and where it is headed. How many people are traveling with the group and who are they? The United Nations refugee agency, which has helped coordinate relief efforts, said as many as 7,000 people have traveled with the caravan. Unicef estimates at least 2,300 children are among the group. The Mexican government has cited a smaller figure, around 3,600 participants. Whatever the number, it has shifted as some people joined and others left, worn down by exhaustion, illness or injury. Some people have applied for asylum. The United Nations refugee agency has reported that some 1,500 people lodged claims for asylum in Mexico. The caravan is a mix of those who face grave danger in their countries and intend to petition for asylum and those fleeing poverty and unemployment. Most are Honduran, though other Central Americans have joined in smaller numbers. Many are traveling with their children, though adult men traveling without families are the single largest contingent. Most travelers have little sense of the political debate their journey has generated in the United States.

Trump Considering Executive Actions to Stop Asylum-Seekers From Central America
[New York Times](#) [10/26/2018 2:03 PM, Julie Hirschfeld Davis and Gardiner Harris, 22322K] reports President Trump is considering a major speech on Tuesday to announce a broad crackdown on the southern border, administration officials said on Friday, making a significant play to energize his anti-immigrant base one week before midterm congressional elections where Republican control of Congress is at stake. Mr. Trump is expected to use the remarks to outline his plans to fortify the border, including executive actions he is considering to deny entry to Central American migrants and asylum-seekers, and the deployment of hundreds of United States Army troops to aid in the effort. A bid to slash financial aid to Central American countries whose citizens are making their way north toward the border also is under discussion, according to people briefed on the discussions. Even as the president's advisers met on Friday to nail down the details of the multipronged border operation, human rights groups raised concerns about Mr. Trump's plans, calling them politically motivated and potentially in violation of United States and international law.

[Politico](#) [10/26/2018 12:08 PM, Rebecca Rainey, 2709K] reports that "under the plan, the Trump administration would publish a fast-track regulation that would restrict certain migrants' ability to seek asylum. The regulation would be paired with a related proclamation from President Donald Trump," POLITICO reports. "The administration is considering a wide range of administrative, legal and legislative options," a White House official said. "No decisions have been made at this time. Nor will we forecast to smugglers or caravans what precise strategies will or will not be deployed." DHS officials have been warned that the White House could change their mind.

[The Hill](#) [10/28/2018 1:00 PM, Nolan Rappaport] reports many people mistakenly believe that asylum seekers have a right to apply for asylum in the United States. The first paragraph in the Immigration and Nationality Act's (INA) asylum provisions provides that aliens physically present in the United States "may" apply for asylum. But the second paragraph provides the following three exceptions, and asylum may be denied on the basis of disqualifying conduct, such as having been convicted of a particularly serious crime.

Additional reporting:

[Associated Press](#) [10/26/2018 4:08 PM, Elliot Spagat and Jill Colvin]

[Breitbart](#) [10/26/2018 12:41 PM, Staff, 2405K]
[National Review](#) [10/26/2018 10:36 AM, Mark Krikorian, 555K]
[ABC News](#) [10/27/2018 11:07 AM, Tara Palmeri, 2704K]
[NBC News](#) [10/26/2018 4:27 PM, Jonathan Allen, 3539K]
[USA Today](#) [10/26/2018 3:40 PM, Alan Gomez, Ronald J. Hansen and Rafael Carranza]
[Yahoo!](#) [10/26/2018 3:44 PM, Nick Allen, 273889K]
[WHO-AM](#) [10/28/2018 11:04 AM, Staff, IA]
[Tucson Sentinel](#) [10/26/2018 2:44 PM, Paul Ingram, 4K, AZ]

Trump's Plan To Close Border To Migrant Caravan Based On Same Authority As SCOTUS-Approved Travel Ban

[The Daily Caller](#) [10/26/2018 12:41 PM, Will Racke, 909K] reports the White House is reportedly preparing an executive order that would close the border to people traveling to the U.S. through Mexico in a migrant caravan, a move that would mirror the Trump administration's travel ban on citizens from several Muslim-majority nations in 2017. Details of the plan, which was reported Thursday night by the Washington Post and other outlets, are sparse, but it reportedly aims to prevent the caravan migrants from applying for asylum if they reach the U.S.-Mexico border. The scope of the order is unclear at the moment - it could apply to the caravan migrants or asylum seekers from Central American more broadly. Administration officials say the order is based on the same provision of the Immigration and Nationality Act that President Donald Trump invoked to implement the travel ban in 2017, according to multiple reports.

[The Daily Caller](#) [10/26/2018 9:47 AM, Henry Rodgers, 909K, DC] further reports that President Donald Trump is reportedly considering shutting down the U.S. border from illegal immigrants trying to flee to the U.S. from Central America. The Trump administration is drafting an executive order that would pause entry for immigrants traveling from countries in Central America due to national security risks. The administration is also considering sending around 1,000 troops to the U.S.-Mexico border, The Washington Post reported. This comes as a migrant caravan of nearly 10,000 people from Central America travels through Mexico, headed toward the U.S. for asylum. "The administration is considering a wide range of administrative, legal and legislative options to address the Democrat-created crisis of mass illegal immigration. No decisions have been made at this time. Nor will we forecast to smugglers or caravans what precise strategies will be employed," a White House official told NBC News.

Additional reporting:

[ABC News](#) [10/26/2018 5:37 AM, Jonathan Karl and Anne Flaherty, 2704K]
[Fortune](#) [10/26/2018 9:00 AM, Natasha Bach, 1201K]
[Medium](#) [10/26/2018 7:55 AM, Eric J Scholl, 13110K]
[USA Today](#) [10/29/2018 4:00 AM, Brandon Judd]
[VOX](#) [10/26/2018 8:10 AM, Dara Lind, 3169K]
[Washington Examiner](#) [10/26/2018 8:27 AM, Katelyn Caralle, 567K, DC]

Mattis approves U.S. troops at border with Mexico

[Reuters](#) [10/26/2018 11:03 AM, Phil Stewart, 4724K] reports that Defense Secretary Jim Mattis has authorized the use of troops and other military resources at the U.S.-Mexico border, U.S. officials said on Friday, bolstering President Donald Trump's battle against migrants trekking toward the United States. The officials, who spoke on condition of

anonymity, said Mattis' authorization did not include a specific number of troops, something that would be determined at a later point, and was not itself a "deployment order." The Pentagon did not comment on potential troop numbers, which U.S. officials have told Reuters could be at least 800 active-duty troops and begin deploying as soon as Tuesday. The U.S. military said Mattis had authorized the military to provide "mission-enhancing capabilities" to U.S. Customs and Border Protection, including engineering support to help build temporary barriers and housing. U.S. pilots would provide transportation for civilian government personnel, it said in a statement. One U.S. official told Reuters that some of the U.S. troops could be called in to assist with traffic and crowd control on the U.S. side of the border, potentially helping to manage demonstrators. It was unclear as of Friday if any of the U.S. forces would be armed.

Additional reporting:

[FOX News](#) [10/28/2018 12:00 PM, Zoe Szathmary and Gregg Re]

[FOX 45 News](#) [10/26/2018 6:12 PM, Leandra Bernstein, 22K, MD]

[Washington Examiner](#) [10/27/2018 12:00 AM, Jamie McIntyre, 567K, DC]

DHS secretary: 'This caravan is not getting in'

[Politico](#) [10/28/2018 10:08 AM, Eleanor Mueller] reports a caravan of Central American immigrants headed for the U.S. through Mexico "is not getting in," Homeland Security Secretary Kirstjen Nielsen vowed on Sunday. "My general message to this caravan is: Do not come," Nielsen told "Fox News Sunday." "You will not be allowed in." "There is a right way to immigrate to the United States," she added, "and this is not it." Since its formation, the caravan has reportedly swelled to more than 7,000 people. But its size is nothing new, Nielsen said. "We have a crisis at the border right now ... [and] this caravan is one iteration of that," Nielsen said. "Frankly, we essentially see caravans every day with these numbers." Morning Shift newsletter The Mexican government has already offered some caravan members asylum, Nielsen said. She directed those wishing to emigrate from their home countries to settle there. "Mexico has offered them asylum — in some cases, they have refused. Mexico has offered them work permits — in some cases, they have refused," Nielsen said. "What the president and I are both saying ... is, 'If you seek asylum, do so in that country.'"

Nielsen: 'Every option is on the table' to stop migrants at border

[Politico](#) [10/26/2018 3:30 PM, Ted Hesson, 2709K] reports Homeland Security Secretary Kirstjen Nielsen, under heavy pressure from within the Trump administration to reduce illegal immigration, said Friday that "every option is on the table" to halt the flow of migrants to the southwest border. Speaking at a recently completed 30-foot section of border wall in Calexico, Calif., Nielsen said the administration will announce in the coming days measures to address a caravan of Central American migrants traveling through Mexico en route to the United States. "We are looking at every possible way, within the legal construct that we have, to make sure that those who do not have a legal right to enter this country are not coming," she said. Nielsen, the top official overseeing the immigration system, has received blistering criticism from the president over her failure to stem the migration flow - a matter over which the government has at best little control. Nielsen's job performance was the subject of a heated exchange last week outside the Oval Office between National Security Adviser John Bolton, who criticized Nielsen, and Chief of Staff John Kelly, who defended her. In response to such barbs, Nielsen has toughened her rhetoric. Nielsen confirmed Friday that DHS requested engineering and logistical support from the Defense Department

to secure the border.

[Newsweek](#) [10/26/2018 9:12 AM, Chantal Da Silva, 1720K, NY] reports that Department of Homeland Security Secretary Kirstjen Nielsen said that the U.S. was prepared to bring "everything we can" to protect its ports of entry at the southern border "and the people who work at them," as a caravan of thousands of Central American migrants makes its way to the U.S. border to seek asylum. Speaking with Fox News anchor Martha MacCallum on Thursday, the DHS chief said her department would be working closely with the Department of Defense to organize its strategy, adding, "we're waiting to see what the caravan's gonna do, what numbers are looking like, where they're headed." "Asked by MacCallum if she could see any interaction between migrants and military troops turning violent, the DHS chief said, "we do not have any intention right now to shoot at people. They will be apprehended, however. But I also take my officers and agents, their own personal safety, extraordinarily seriously. They do have the ability, of course, to defend themselves." "So, if shot at, they would shoot back?" MacCallum asked Nielsen, who quickly responded, "no, I just think we'd have to work through that, but I want to make it very clear we will absolutely not tolerate violence against Border Patrol in this situation."

The [Washington Examiner](#) [10/28/2018 9:45 AM, Joe Williams, 567K, DC] reports Homeland Security Secretary Kirstjen Nielsen has a message for the migrant caravan moving from Central America towards the U.S.-Mexico border: "Do not come. You will not be allowed in." The caravan, which is moving through southern Mexico, has become the latest symbol of the ongoing debate over immigration in the country.

Additional reporting: [VOA News](#) [10/28/2018 12:18 PM, Staff, 1028K, DC]

'Do not come': Homeland Security chief declares migrant caravan 'not getting in'
[Washington Times](#) [10/28/2018 8:00 AM, Tom Howell Jr., 547K, DC] reports that Homeland Security Secretary Kirstjen Nielsen on Sunday said the migrant caravan marching through Mexico to the U.S. is "not getting in." "There a legal way to get into this country. Those who choose to enter illegally will be stopped," Ms. Nielsen told Fox News Sunday. One common tactic is to claim fear of being sent home, which if approved can earn them a chance to claim asylum. They are usually immediately released to give them the chance at full asylum — though half never bother to follow through, disappearing instead into the shadows as illegal immigrants, and others skip out on their hearings and likewise disappear. Ms. Nielsen said the caravan is one iteration of a "crisis" on the border, and that President Trump is keeping every authority on the table to prevent illegal immigration. Yet she refused to signal whether the president plans to close off the border to people seeking asylum, perhaps involving powers similar to his "travel ban" on select, predominantly Muslim countries.

Additional reporting: [Breitbart](#) [10/28/2018 11:03 AM, Pam Key, 2405K]

Mike Pence claims he's learned migrant caravan funded by 'outside groups'
[FOX News](#) [10/27/2018 7:57 AM, Peter Doocy, 10787K] reports Vice President Mike Pence descended on the southwest as part of a midterm rallying blitz, bringing with him a warning that the migrant caravan is being funded by outside, leftist groups, citing intel said to be provided by foreign partners and a phone call with a Central American leader.

"What the president of Honduras told me is that the caravan was organized by leftist

organizations, political activists within Honduras, and he said it was being funded by outside groups, and even from Venezuela," Pence told Fox News in an interview late Friday in Yuma, Arizona. "So the American people, I think, see through this - they understand this is not a spontaneous caravan of vulnerable people." Pence argues that loopholes in US immigration laws are alluring to human traffickers involved with organizing the migrant caravan.

Mexico offers plan to keep U.S.-bound migrants in Mexico

[Reuters](#) [10/26/2018 1:33 PM, Delphine Schrank, 4724K] reports that Mexico on Friday offered temporary identification papers and jobs to migrants who register for asylum in the country, stepping up efforts to halt the advance of a U.S.-bound Central American caravan that has angered Washington. U.S. President Donald Trump has threatened to close the U.S.-Mexico border and cut aid to Central America to try to stop the caravan of several thousand people. Making reference to the caravan, Mexican President Enrique Peña Nieto said that migrants wishing to obtain temporary identification documents, jobs or education for their children could do so by registering for asylum in southern Mexico. "This plan is only for those who comply with Mexican laws, and it's a first step towards a permanent solution for those who are granted refugee status in Mexico," Peña Nieto said in a pre-recorded address broadcast on Friday afternoon. To qualify for the scheme he called "Estas en Tu Casa" migrants had to be in the southern states of Chiapas and Oaxaca, Peña Nieto said.

Additional reporting: [AZ Central](#) [10/26/2018 7:43 PM, David Agren, 669K, AZ]

Central American Caravan Moves On in Spite of Mexico Jobs Offer

[New York Times](#) [10/27/2018 1:41 PM, Reuters, 22322K] reports that a U.S.-bound caravan of Central American migrants pressed on through southern Mexico on Saturday, in spite of government offers of jobs, as authorities stepped up efforts to disperse the convoy that has angered U.S. President Donald Trump. Mexican police in riot gear briefly blocked the march of men, women and children as they neared Oaxaca state before dawn, to relay the offer of temporary identification papers, jobs or education for those seeking asylum in Mexico. Trump has threatened to send troops to the U.S. border and cut aid to Central America to try to stop the group of several thousand people that left Honduras two weeks ago. Estimates vary significantly on the group's size, which has morphed as some migrants return home and newcomers join.

Reported similarly: [Daily Wire](#) [10/28/2018 2:33 PM, Emily Zanotti, CA]

Mexico Should Not Consent to do Washington's Dirty Work

[New York Times](#) [10/27/2018 5:00 AM, Jorge G. Castañeda, 22322K] reports a migrant caravan from Honduras is marching north through Mexico. President Trump had declared he would suspend aid to Honduras, if its government failed to disband it. He threatened to upend the recently announced new free-trade agreement between Mexico, the United States and Canada if Mexico didn't stop it, and it didn't.

The United States gave up most of its trade demands in exchange for a confidential commitment by Mexico to do Washington's dirty work against would-be immigrants and refugees. Immigration and trade have become intimately linked, at least in Mr. Trump's mind. First, Washington has been pressing the outgoing president, Enrique Peña Nieto, to sign what is known as a Safe Third Country Agreement with the United States. Second, and

most important, since 2014 under President Obama, and now more than ever, Washington has pressured Mexico to shut down as much as possible of its southern border - in a nutshell, to do its dirty work.

Migrants Reach a Crossroads in Mexico, Far From the Raging Debate

[New York Times](#) [10/26/2018 10:47 PM, Kirk Semple, 22322K] reports that the thousands of migrants traveling through southern Mexico toward the United States border poured into the rail town of Arriaga on Friday, filling the town's main park and the surrounding streets, clustering together in spare shade under a torridly hot sun. Their arrival came a day after news broke in Washington that President Trump was considering sealing the southwestern border to all migrants. With their arrival in Arriaga, on the 15th day of their journey, they had reached a literal and figurative crossroads. The town has historically been a place of big decisions for migrants making the northward trek from Central America. This is near a fork in the road between two northbound migratory routes – one passing through the state of Oaxaca and the other through the state of Veracruz. It also offers a range of travel methods, including La Bestia – The Beast – the infamous freight train that hundreds of thousands of migrants have illegally ridden north.

[Washington Post](#) [10/26/2018 2:20 PM, Joshua Partlow, 11653K, DC] reports the responsibility of feeding, clothing and sheltering several thousand migrants has been embraced by the small Mexican towns along the route, with residents jumping into charity mode as if they are responding to a natural disaster. It was hard to walk a block in this town without seeing crates of free bottled water, tables packed with ham and cheese tortas or relief stations filled with medical supplies donated by the community to help the people on this grueling march. While President Trump is looking for ways to block the caravan at the U.S. border, Mexicans are pitching in to ease the travelers' journey. Residents along the route say they are motivated by the Catholic tradition of charity, a shared familiarity with migration to the United States and a sense of solidarity in the face of Trump's anti-migrant rhetoric. While they acknowledge the caravan could be a problem if it lingered, many do not seem to mind a brief stopover.

Additional reporting:

[USA Today](#) [10/26/2018 1:37 PM, Staff, 7165K]

[Townhall](#) [10/28/2018 12:40 PM, Beth Baumann, 348K]

[Miami Herald](#) [10/26/2018 5:11 PM, Staff, FL]

The Latest: Migrants break through border gate in Guatemala

[Washington Post](#) [10/28/2018 5:43 PM, Associated Press] reports more than a hundred Central American migrants have forced their way through a customs gate at the Guatemalan border town of Tecun Uman to request passage into Mexico. A Mexican official said Sunday that the group is seeking entry via Ciudad Hidalgo, Mexico. Video from the Guatemalan newspaper Prensa Libre showed men arguing with Mexican immigration officials through the metal bars of a gate separating the two countries. Mexican immigration officials in the video urge the men to bring families to the front of the line and present their requests for transit in an orderly manner. Cesar Quinonez is a volunteer firefighter in Tecun Uman and he told The Associated Press by phone that several Guatemalan police officers and migrants were injured as the group kicked and pushed its way through the gate on the Guatemalan side of the border. He says several people received medical treatment for exposure to tear gas fired by police. A larger group of thousands of Central American

migrants has been winding its way through southern Mexico with the goal of reaching the U.S. border. Mexico has offered them asylum if they remain in the southern states of Chiapas and Oaxaca.

Additional reporting: [MSN News](#) [10/28/2018 11:00 PM, Nelson Renteria]

1 migrant dies as 2nd group tries to force entry into Mexico

[Washington Times](#) [10/29/2018 3:00 AM, Christopher Sherman, DC] reports several thousand Central American migrants planned to resume their trek through southern Mexico before dawn Monday, while authorities in that country and Guatemala tried to sort out the killing of a migrant at a border crossing. On Sunday, while the band of migrants was resting and reorganizing in Tepanatepec, several hundred in another group more broke through border barriers in the Guatemala town of Tecun Uman just as members of the caravan did more than a week earlier. Those migrants clashed with Mexican authorities determined not to let the caravan grow or be repeated. The new group, whose members called themselves a second caravan, gathered on the international bridge leading from Tecun Uman to Mexico. Guatemalan firefighters confirmed that a 26-year-old Honduran was killed from a rubber bullet hitting his head. At a news conference late Sunday, Mexican Interior Secretary Alfonso Navarrete Prida denied that his country's forces were responsible. He said that Mexican federal police and immigration agents were attacked with rocks, glass bottles and fireworks when migrants broke through a gate on the Mexican side of the border, but that none of the officers were armed with firearms or anything that could fire rubber bullets. Navarrete said some of the attackers carried guns and firebombs.

[FOX News](#) [10/29/2018 4:00 AM, Frank Miles and Edmund DeMarche] reports that Mexico denied any responsibility in the death, and said its own immigration agents and police had been pelted with rocks and glass bottles. Alfonso Navarrete Prida, the Mexican interior secretary, said some of the attackers carried guns and firebombs.

Reported similarly: [Star-Telegram](#) [10/28/2018 10:23 PM, Staff, 202K, TX]

'It's not turning people away, it's asking them to wait': Border Patrol preps for arrival of migrant caravan

[USA Today](#) [10/27/2018 10:39 AM, Alan Gomez, 7165K] reports after touring the largest port of entry along that southern border on Friday, the head of Customs and Border Protection conceded that his officers don't have a way to speed up their ability to process caravan members trying to enter the country legally by requesting asylum. While visiting the San Ysidro Port of Entry, the main crossing between San Diego and Tijuana, CBP Commissioner Kevin McAleenan said his agency views the looming arrival of the migrant caravan as a "law enforcement situation."

He said his Border Patrol agents and members of the military will be ready to rapidly deploy anywhere along the nearly 2,000-mile border to ensure that the caravan does not force its way across the border, as it did when it crossed from Guatemala into Mexico. "We're not going to allow a large group to push into the United States unlawfully," McAleenan said. "We can't have it. It's not safe for anybody involved." Department of Homeland Security Secretary Kirstjen Nielsen said during her own tour of the California border on Friday that "everything is on the table," which includes a proposal to halt all asylum requests along the southern border. McAleenan said they are often stuck there until space opens up in

detention facilities run by Immigration and Customs Enforcement for adult, and the Department of Health and Human Services for minors.

The [Los Angeles Times](#) [10/27/2018 11:15 AM, Molly Hennessy-Fiske, 3575K] reports that the U.S. Border Patrol is stretched thin as caravan heads north. U.S. Customs and Border Protection Commissioner Kevin McAleenan said asylum-seeking families have strained his agency's ability to respond to the caravan of thousands of immigrants headed for the U.S.-Mexico border. "Obviously the system is beyond capacity right now," McAleenan said, with the Border Patrol responsible for transporting and caring for asylum seekers. "I'd like to free up my officers and agents to do law enforcement work. That's what they're trained for, that's what the American people need them to do on the front line to address security risks," he said.

Five more barriers the Honduran caravan of immigrants might find when they get to the U.S. to seek asylum

[Dallas Morning News](#) [10/26/2018 2:29 PM, Dianne Solis, 661K, TX] reports President Donald Trump is threatening to close the southwest border with Mexico to keep a caravan of thousands of mostly Honduran migrants from crossing into the U.S. But even if that doesn't happen, those in the caravan who make it to the U.S. to seek asylum will quickly face an overloaded immigration system. Here are five other barriers immigrants could face: 1. Getting turned away and having to wait longer due to agents being at "processing capacity." 2. Losing a child. 3. Getting locked up anyway. 4. Facing new interpretations of the rules that make an immigrant ineligible. 5. Facing increasingly tough judges.

Where Will The Migrants In The Caravan Stay If They Seek Asylum In The US?

[The Daily Caller](#) [10/26/2018 9:16 PM, Evie Fordham, 909K, DC] reports that several thousand migrants from Central American countries are headed to the U.S. in a caravan. Those who reach the border are expected to petition for asylum, but there are multiple options for where individuals will stay as they wait for their cases to make it through the immigration court backlog. Where individuals are detained depends on many factors, such as if the migrant is an unaccompanied minor or traveling in a family unit.

ICE oversees detention in both publicly and privately run facilities. Individuals and families may be detained at facilities run by private companies that contract with Immigration and Customs Enforcement. Whether immigrant families are detained or placed in programs known as alternatives to detention can affect how long their asylum cases take to adjudicate. Some ATD methods include community monitoring through nonprofit organizations and GPS tracking with ankle or wrist bracelets, but they do not always result in individuals returning to court during immigration proceedings. The absconder rate for family units in ATD was 28 percent between Oct. 1, 2017 and July 31, ICE official Matthew Albence told the Senate Homeland Security Committee in July. That number was even higher than the absconder rate for individuals during the same period, which was 16 percent.

How migrants manipulate generous U.S. asylum system

[Washington Times](#) [10/27/2018 4:36 AM, Rowan Scarborough, 547K, DC] reports a federal court of appeals ruling this month provides a peek at the U.S.'s generous asylum system that will have the effect of welcoming the impending instant mass migration from Central America. Some migrants among the caravan, due to arrive at the southern border within weeks, have told reporters they plan to capitalize on the years-long process to try to gain

legal status. The court case involved Venezuelan Helegner Ramon Tijera Moreno. He deserted the army, came to America and sought asylum by declaring himself persecuted by Caracas' authoritarian socialist government. Two years later, he was before the 10th Circuit in Denver—a member of the second highest network of federal appeals courts below the Supreme Court. A three-judge panel on Oct. 22 denied Mr. Moreno's petition. He cannot stay legally. The ruling provides a look at the long due process the U.S. provides each asylum seeker who merely has to step onto American soil and make the declaration to put off deportation.

Congress Must Act to Deter Future Caravans

[Washington Free Beacon](#) [10/26/2018 5:00 AM, Matthew Continetti, DC] reports prepare to be disappointed. The soldiers aren't going to the border to stop the caravan. They're going to assist Customs and Border Protection, Immigration and Customs Enforcement, Health and Human Services, and other authorities as they take in the newcomers. There is little the government can do to turn back the tide. Why? Because the same rule of law challenged by illegal immigration also incentivizes and protects the illegal immigrants within the caravan. It's a paradox—one inflaming this most polarizing of issues at a moment of political decision. The military can't solve the problem. But Congress can. Only the legislative branch has the authority to close the loopholes through which the most recent illegal migration has passed: a portion of the 2008 Trafficking Victims Protection Reauthorization Act that limits the ability of law enforcement to repatriate swiftly unaccompanied children from noncontiguous (read: Central American) nations; the 1997 Flores settlement that put a ceiling on how long the government can detain these children; and the "credible fear" standard by which illegal immigrants may request asylum proceedings simply by saying they are afraid to return to Tegucigalpa or Quetzaltenango.

Caravan hysteria is unwarranted — many more have come before

[The Hill](#) [10/26/2018 10:30 AM, Ruth Ellen Wasem, 2630K] reports that according to the Washington Post, Mexican officials report that they have processed 1,700 asylum cases. Whether the caravan will grow in numbers or dissipate remains to be seen. What we do know is that the United States has handled much larger influxes of asylum-seekers. We did so without sacrificing our laws and our values. Cuba long has been a source of asylum-seekers, as Haiti has been. In 1980, for example, a mass migration of asylum-seekers, known as the Mariel boatlift, brought approximately 125,000 Cubans and 25,000 Haitians to South Florida over a six-month period. In 1992, the U.S. Coast Guard interdicted 37,618 Haitians who had set sail to the United States and took many of them to Guantanamo Bay Naval Base. While the treatment of the Haitians was not our finest hour as a nation, we did pre-screen those at Guantanamo for credible fear and return others to Haiti with the option of in-country refugee processing. The civil wars in Central America during the 1980s prompted asylum-seekers that numbered in the hundreds of thousands.

The Vast Majority Of Asylum Applicants From The Last Migrant Caravan Were Allowed Into The United States

[BuzzFeed](#) [10/26/2018 2:28 PM, Adolfo Flores, 8149K] reports that US immigration officials said 93% of the 401 applicants established that they had a credible fear of torture or persecution if they were returned to their home country. More than 90% of the Central Americans who applied for asylum after arriving at the US border in last spring's caravan passed the first step of the application process and were allowed into the country, according to figures from US Citizenship and Immigration Services, the government agency that

processes such claims. Of the 401 people the government considered to be part of the caravan, 374, or 93%, passed what's known as a credible fear interview, where immigration officers determine whether an asylum applicant has a well-founded fear that they will be tortured or persecuted in their home country because of their race, religion, nationality, membership in a particular social group, or political opinion. At a press conference Friday in Calexico, California, where about two miles of a 30-foot tall border fence was unveiled, Department of Homeland Security Secretary Kirstjen Nielsen said the threshold for credible fear interviews is too low. "We have about 80 to 90% that pass," Nielsen told reporters. "At the end of the process, only 20% are determined by a judge to meet the United States statutory requirements for asylum."

Trump's Military Response To Migrant Caravan Foreshadows A Dark Long-Term Climate Policy

[Huffington Post](#) [10/27/2018 8:00 AM, Alexander C. Kaufman, 9094K] reports the Trump Administration is preparing to dispatch 800 troops and has threatened to shut down all entry across the U.S.-Mexico border as a caravan of thousands of Central American migrants travels northward seeking asylum. Within the thunderous saber-rattling over would-be asylum seekers is the overtone of President Donald Trump's apparent long-term policy to deal with the anticipated social and political upheaval of rapidly worsening climate change. The federal government's only two major rules to reduce planet-warming emissions, and Trump threatening to cut aid to drought and violence-afflicted Honduras, Guatemala and El Salvador critics say the administration's strategy to deal with climate change is taking shape, frustrating national security experts who say hunkering down and militarizing borders will do little to mitigate global warming's threats.

Despite the repeated dismissals of climate science by the president and many of his top advisers, the Trump administration officially forecasts that the planet is expected to warm by 7 degrees Fahrenheit by the end of the century a projection buried in a 500-page environmental impact statement. By deporting hundreds of thousands of Central Americans from the United States, the administration, like the Obama administration before it, is bolstering gang recruitment in countries like El Salvador, according to a December report. That worsens the violence that many cite as a main reason for fleeing northward.

Tom Homan: Trump wants to enforce the laws of this country

[Fox News](#) [10/27/2018 5:35 AM, Staff, 10787K] reports Thomas Homan, the former acting ICE director, talks with Fox News about Vice President Mike Pence's assessment of the migrant caravan approaching the United States. "The President ain't being mean. The President wants to enforce the laws of this country," Homan said. Homan noted that of the migrants coming in and claiming credible fear, 80% will lose their case because of fraudulent claims, get ordered to leave, and they do not leave. He believes that message gets back to Central America. He said, "Until we fix these loopholes in the immigration system, they're going to keep coming." When the caravan arrives, the military will support the Border Patrol, not perform law enforcement duties, according to Homan. Kirstjen Nielsen, in a speech on the border, said, "Walls work. That's not my opinion ... It's a fact." Homan says, "She is absolutely correct."

[Editorial note: consult source link for video]

UN: Countries Must Allow People at Risk to Request Asylum

[VOA News](#) [10/28/2018 9:00 AM, Lisa Schlein, DC] reports that the U.N. refugee agency is urging Washington to allow people fleeing persecution and violence, including those who are traveling with the Central American caravan, to request asylum on U.S. territory. U.S. President Donald Trump has vowed to prevent a caravan of thousands of immigrants from Honduras, Guatemala and El Salvador from entering the United States. The Pentagon has announced plans to send hundreds of troops to the border in what is described as a support role. The U.N. refugee agency will not weigh in on whether it is legal for a country to close its borders to refugees and asylum seekers. But it says international law clearly states any person whose life may be in danger has the right to seek asylum and benefit from international protection. UNHCR spokesman Andrej Mahecic told VOA his agency has alerted countries along the caravan's route that it is likely to include people in real danger.

ICE to release undocumented families into general public without review

[KVIA-TV ABC](#) [10/26/2018 3:47 PM, Saul Saenz, 39K, CA] reports that Immigration and Customs Enforcement has acknowledged it will be changing the way it processes migrant families who illegally enter the US, no longer reviewing the families' post-release plans before releasing them into the general public. "ICE previously reviewed their post-release plan, including ensuring they had secured travel arrangements to reach a final destination within the United States. There is no requirement that this review be conducted, it was a self-imposed process instituted by ICE," officials said in a statement emailed to ABC-7. ICE said the change is due to the increase in migrant families coming to the US, acknowledging it no longer has the capacity to conduct these reviews without risking violation of the Flores limitations on lengths of stay for families in Border Patrol or ICE custody. The curtailing of all post-release reviews for immigrant families started on October 23, 2018. The families will receive notices to appear in immigration court, then be released.

Trump Administration Miscounted Migrant Children Separated From Their Parents

[Newsweek](#) [10/26/2018 10:48 AM, Ramsey Touchberry, 1720K, NY] reports that as the federal government continues to reunite dozens of migrant children who were separated from their parents as part of the Trump administration's "zero-tolerance" immigration policy, it said it had failed to include more than a dozen children in the total number of minors separated from their parents. The children have been in the government's custody for months. In a new court filing Thursday night, the government said since its last filing on October 15, it had "determined that 14 children should be re-categorized as possible children of potential class members," raising the total number of separated children from 2,654 to 2,668. Of those 14 children, the government said the parents of seven of them had criminal histories, making them ineligible for reunification. The Office of Refugee Resettlement under the Department of Health and Human Services realized the error after it "completed another review of case management records." An internal government watchdog report published in late September after investigators toured migrant facilities earlier this summer concluded that the government "struggled to provide accurate, complete, reliable data on family separations and reunifications, raising concerns about the accuracy of its reporting." In the wake of that report, some Democrats again called for Homeland Security Secretary Kirstjen Nielsen to resign.

More families crossing illegally into Arizona and Texas, DHS officials say

[CNN](#) [10/26/2018 7:05 PM, Geneva Sands] reports that the number of families crossing illegally from Mexico into Texas and Arizona has continued to spike in October, according to federal officials in both states, as President Donald Trump keeps raising his rhetoric on

immigration and a caravan of thousands of migrants is traveling through southern Mexico. The increase is causing difficulty at every stage for the Department of Homeland Security, including at the border processing facilities, for Immigration and Customs Enforcement detention and at shelters for unaccompanied minors, as well as at Greyhound stations in South Texas, where many migrants are released and travel around the US, said a senior DHS official. All the facilities from processing to detention are "breaking at the seams," said the official.

Homeland Security Secretary Kirstjen Nielsen, in an interview Thursday on Fox News, said "Everything is on the table," including cutting off aid to foreign countries, to stop "lawless groups of people heading towards the border." "Every measure we have tried, every measure we haven't tried, everything is on the table to make it very clear that we have a sovereign right to protect our citizens," she said. DHS is tracking two caravans, one massive one with thousands of migrants and another, smaller one that formed in El Salvador. In order to deal with the influx and to mitigate the risk of holding family units past the time frame allotted to the government, ICE began curtailing all reviews of post-release plans from families apprehended along the Southwest border on Tuesday, according to ICE spokesperson Sarah Rodriguez. "After decades of inaction by Congress, the government remains severely constrained in its ability to detain and promptly remove families with no legal basis to remain in the U.S. As a result, family units continue to cross the border at high volumes and are likely to continue to do so, as they face no consequence for their actions," said Rodriguez in a statement to CNN. [Editorial not: consult source link for video]

Additional reporting: [KRGV](#) [10/26/2018 12:24 PM, Valerie Gonzalez, TX]

Advocates Question Timing of Change in Migrant Family Release Policy

[KQED](#) [10/27/2018 3:01 AM, Julie Small, 149K, CA] reports advocates for immigrants along the U.S.-Mexico border say a Tuesday decision by U.S. Immigration and Customs Enforcement to no longer provide assistance to migrant families being released from detention may be more rhetorical than real. Until this week, ICE had a policy of conducting "post-release planning" to ensure that migrant families being released in the U.S. had transportation arrangements.

But on Tuesday, ICE abandoned the policy, ostensibly in order to release families from detention more quickly and adhere to court orders on the treatment of migrant children. "To mitigate the risk of holding family units past the time frame allotted to the government, ICE began curtailing all reviews of post-release plans from families apprehended along the southwest border," ICE Deputy Press Secretary Sarah Rodriguez said in a statement shared with KQED Thursday. In her statement, ICE's Rodriguez said: "The government remains severely constrained in its ability to detain and promptly remove families with no legal basis to remain in the U.S." She went on: "[D]ue to the recent uptick in family units presenting themselves along the Southwest border, ICE no longer has the capacity to conduct ... reviews without risking violation of the Flores limitations on lengths of stay for families in both [U.S. Customs and Border Patrol] and ICE custody."

ICE says it won't help freed immigrants get to bus stations, airports

[Dallas Morning News](#) [10/26/2018 8:40 PM, Alfredo Corchado and Dianne Solis, 661K, TX] reports that ICE spokeswoman Sarah Rodriguez said in a statement that the agency will no longer detain immigrants in holding cells beyond the legally limited handful of days once

they cross into the U.S. as has been happening in recent weeks. But they also say they will stop helping immigrant families make contact with relatives when they are released pending the outcome of their cases. Nor will they transport them to bus stations or the airport.

Rodriguez said in a statement Thursday that "to mitigate the risk of holding family units past the time-frame allotted to the government, ICE began curtailing all reviews of post-release plans from families apprehended along the southwest border starting on Tuesday Oct. 23." The review process included a "non-required" post-release plan to make sure refugees had secured travel arrangements to reach their final destination. "However, due to the recent uptick in family units presenting themselves along the Southwest border, ICE no longer has the capacity to conduct these reviews," said a statement by ICE.

The sanctuary city mess – What really happens when cities choose politically correct politics over safety

[FOX News](#) [10/26/2018 2:51 PM, Hans A. von Spakovsky and Ashley Vaughan, 10787K] Some cities in the United States - such as Lawrence, Mass. - have chosen politically correct politics over the safety of their residents. By choosing to implement "sanctuary city" policies that prevent the federal government from detaining and deporting illegal immigrants accused or convicted of crimes, these cities have opted to keep dangerous people in their communities - which in turn helps perpetuate the ongoing opioid epidemic. At the beginning of this month, the U.S. Justice Department arrested and indicted dozens of people in Lawrence who were accused of being involved in a major drug smuggling and distribution operation. The Immigration and Customs Enforcement agency arrested 11 illegal immigrants, all of whom have prior criminal convictions. These indictments reflect an overlooked problem in the drug war: the connection between sanctuary cities and illegal immigrants who are accused or convicted of crimes involving drug trafficking. Adopting sanctuary policies makes cities such as Lawrence less effective in dealing with the opioid crisis. The link between sanctuary policies and the ongoing opioid crisis, according to ICE, is quite extensive. In a report published this past summer, ICE determined that Massachusetts sanctuary policies "often result in the release of potentially dangerous criminal aliens back into the community because ICE officers are not notified of pending releases from state custody." This includes "countless removable aliens have been arrested for contributing to the opioid epidemic in Massachusetts, mostly by trafficking and distributing Class A drugs" including "heroin and fentanyl." According to ICE, this lack of cooperation by Massachusetts authorities "has significantly contributed to the continued distribution of dangerous drugs."

[IL] Crowd in East Chicago rallies against use of Gary airport for ICE deportations

[Chicago Tribune](#) [10/27/2018 4:20 PM, Carole Carlson, 1740K, IL] reports a small but enthusiastic crowd gathered outside City Hall in East Chicago Saturday to rail against deportations taking place at the Gary/Chicago International Airport. Saturday's protest took place as four uniformed police officers looked on in the background. The Gary airport has been used to aid in deportations by the Immigration Customs Enforcement agency since 2013. Typically, undocumented immigrants have been brought from a Chicago-area detention center after a judge has ordered their deportation, and they are usually flown out of the Gary airport to Texas. ICE maintains a contract with a private operator at the airport for the deportation flights.

[TX] Legal professionals gather in Tornillo's tent facility with hopes of helping migrants

[KFOX 14 El Paso](#) [10/27/2018 11:07 PM, Simon Williams, 9K, TX] reports as more children come to the U.S.-Mexico border, Tornillo's tent facility is expanding. On Saturday, members of El Paso's legal community gathered outside the facility to bring awareness to the expansion. Those members are part of a group called Lawyers for Migrant Children, and they say the expansion is creating a huge demand for legal services and creating challenges for migrants. The Department of Health and Human Services tells CBS4 that right now, the facility holds more than 1,600 migrant children from 12 to 17 years old. Participants in Saturday's gathering say Borderland organizations are struggling to provide legal services and living assistance for the families once they're reunited. They just want Immigration and Customs Enforcement to work with them and make plans.

Additional reporting: [El Paso Times](#) [10/27/2018 5:15 PM, Aaron Martinez, 11K, TX]

[AZ] Protesters call for end to separation of immigrant families

[Arizona Republic](#) [10/27/2018 5:13 PM, Bree Burkitt, 669K, AZ] reports for weeks, the news was dominated by the stories of the thousands of children separated from their families while seeking asylum at the U.S.-Mexico border under the Trump administration's zero-tolerance policy. The stories faded from the headlines, but hundreds of children remain in government custody – many in Arizona shelters. On Saturday, members of Uncage and Reunite Families Coalition came together outside of the Sandra Day O'Connor Federal Courthouse in downtown Phoenix to protest the continued separation of families and the "incarceration" of children still in federal custody. Esther Lumm, spokeswoman for the URFC, questioned the fact that the children do not receive any education while in custody. Conditions at the facilities designed to house the children, including Arizona's Southwest Key Facilities, have previously been criticized.

[AZ] ICE will no longer release migrant families in Yuma; they will be transported to Phoenix

[Arizona Republic](#) [10/26/2018 7:45 PM, Rafael Carranza, 669K, AZ] reports that immigration officials confirmed Friday that they will no longer release from detention hundreds of migrant families in this small border community. Instead, the families will be transported and released in Phoenix, where there are better transportation options and more services to accommodate them. The announcement from Immigration and Customs Enforcement comes a day after Homeland Security Secretary Kirstjen Nielsen visited the Yuma area for the second time this year, as the numbers of migrant families and minors, coming mostly from Central America, arriving at the border grow. Under the new guidelines, ICE officers will bus families enrolled into its Alternative to Detention program to Phoenix and release them into the custody of nonprofit and faith-based groups, the agency said.

"The dynamics of operational realities are ever-changing on the ground and ICE makes adjustments as required to best serve the mission," Deputy Press Secretary Sarah Rodriguez said in a statement. "Coordination with external organizations continues with regard to the release of these families in Phoenix." Rodriguez issued the same statement that ICE released weeks ago in Arizona, blaming their decision to cease all "post-release" plans for migrant families on laws and court rulings restricting the government's treatment of minors in detention.

[CA] DHS unveils Trump's first completed border wall project: 'Walls work'

[Washington Examiner](#) [10/26/2018 12:43 PM, Anna Giaritelli, 567K, DC] reports Homeland Security Secretary Kirstjen Nielsen on Friday unveiled the first completed border wall project that was constructed as a result of President Trump's push to further secure the U.S.-Mexico border. "Walls work, it's not my opinion," Nielsen said at the ceremony near downtown Calexico, a rural border town of approximately 38,000 residents. "It's not a tag line. It's a fact." Construction of the 30-foot, 2.5-mile-long wall began in February and lasted eight months. "Looking at this, I would not attempt to climb it," Nielsen said. A plaque with President Trump's name was welded onto the wall after the ceremony as Nielsen and U.S. Customs and Border Protection Commissioner Kevin McAleenan watched. The replacement project in Calexico was one of U.S. Border Patrol's highest priorities because of the continued high level of illegal immigration and drug smuggling in the El Centro Sector. Then, acting deputy commissioner of CBP, Ronald Vitiello, described the wall system as a "comprehensive solution that provides wall, lighting, enforcement cameras, and other related technology, and all-weather roads to impede and deny illegal cross-border activity." Vitiello said all of the designs will go toward the type of barriers that are built on the border. The kinds of wall used will depend on the needs of the officers who work in those regions.

[MSN](#) [10/27/2018 7:23 AM, Louis Casiano, 55864K] reports "we are looking at every possible way within the legal construct that we have to make sure that those who don't have the legal right to come to this country do not come in," Nielsen said from the El Centro Sector near Calexico in front of a newly constructed 30-foot, two-mile fence. "Looking at this, I would not attempt to climb it," she added. The two-mile section of fencing will go a long way in keeping immigrants out of the country, Nielsen said. "Let me be clear: Walls work," Nielsen said.

Additional reporting:

[U.S. News & World Report](#) [10/26/2018 3:31 PM, Staff]

[San Diego Union Tribune](#) [10/26/2018 2:35 PM, Kate Morrissey, 291K, CA]

Legal News

Trump's Proposed Caravan Crackdown Could Land Him In Court

[Huffington Post](#) [10/26/2018 6:04 PM, Elise Foley, 9094K] reports the caravan of asylum-seekers and migrants headed toward the U.S. is hundreds of miles and many days away from reaching the border. There's something that's closer, though: the midterm elections. As Republicans fight to hold on to the House of Representatives, the Trump administration is sending troops to the border and floating drastic measures that could bar Central Americans from entering the U.S. or seeking asylum. Keeping out asylum-seekers would be consistent with the president's long-stated policy preferences and draw more attention to immigration, one of his favorite bogeymen. "There's no question that there's going to be a huge court battle and that he would get smacked down if he tries to block all asylum-seekers," said Kerri Talbot, director of federal advocacy for the progressive policy group Immigration Hub. "And I think the administration knows that. But frankly, I don't think they care because they just want to distract people from core issues, and they want to get their base riled up." Homeland Security Secretary Kirstjen Nielsen told reporters on Friday that "everything is on the table" and that the administration will announce additional measures in coming days, according to San Francisco Chronicle reporter Tal Kopan.

Despite Trump's Best Efforts, Hundreds of Thousands of Immigrants Earn Reprieve From Deportation

[American Civil Liberties Union](#) [10/26/2018 6:45 PM, Ahilan Arulanantham, 123K] reports that last week, Jeff Sessions attacked a court ruling that gave a temporary reprieve to hundreds of thousands of immigrants facing imminent deportation after years of living lawfully in this country. "Federal district court judges are not empowered to fashion immigration policy," Sessions said. "The Legislative and Executive branches — of federal and state government — are the constitutionally authorized branches to do these things." Complain as he might, the judiciary indeed has a say, because the executive branch has to follow the law and, most important, the Constitution. As the court found, the administration violated both federal law and the Constitution's protection against race discrimination when it attempted to terminate the lawful immigration status of these individuals. As a result of the ruling, more than 300,000 immigrants will be able to stay in this country for at least another year — even as the government appeals the decision.

BIA Ignored Cartel Attacks In Asylum Case, 9th. Circ. Says

[Law 360](#) [10/26/2018 5:22 PM, Suzanne Monyak] reports the Ninth Circuit revived a Mexican woman's asylum case Thursday, finding that the Board of Immigration Appeals disregarded evidence of past attacks on her family by a cartel that supports her claims that she faces danger in her home country. In an unpublished opinion, the panel held that the BIA was wrong to find that Miriam Garcia Reyes is ineligible for humanitarian asylum. The panel said that Garcia Reyes had shown enough evidence of past abuse against her relatives in Mexico to establish a reasonable fear of persecution should she be deported, kicking the case back to the BIA to reconsider its denial in light of the panel's opinion. Garcia Reyes, a citizen of Mexico, had applied for humanitarian asylum and for a cancellation of removal, a form of relief under a provision of the Immigration and Nationality Act allowing individuals without criminal records who have resided in the U.S. for enough consecutive years to dodge their deportations. According to the opinion, Garcia Reyes' brother-in-law was killed by a member of the cartel for refusing to give in to extortion demands, and her brother was once shot at by cartel members who were trying to steal his taxi. Mexican police have also attempted to kidnap her brother, and he has continued to be threatened by the cartel "due to his connection to the family businesses," the panel wrote. Garcia Reyes' sister has also been targeted with death threats because of the family's wealth, according to the opinion, implying that Garcia Reyes "would be similarly at risk." An immigration judge denied Garcia Reyes' applications for asylum and a cancellation of removal, and on appeal, the BIA affirmed that immigration judge's decision, according to the opinion.

[NY] Immigrants' First Amendment Rights at Stake as the Second Circuit Hears Ragbir Case

[Just Security - NYU Law School](#) [10/26/2018 12:50 PM, Ramya Krishnan] reports are federal immigration officers free to retaliate against immigrant activists who exercise their First Amendment rights? That is the question the Second Circuit will confront on Monday, when it hears arguments in Ragbir v. Homan. The case involves the highly public surveillance, arrest, transfer and attempted deportation of immigrant rights activist Ravi Ragbir by U.S. Immigration and Customs Enforcement. Ragbir, the executive director of the New Sanctuary Coalition, is an outspoken critic of ICE. For years, he has helped bring elected officials and clergy into ICE federal buildings to bear witness to the human costs of deportation. Last year ICE began closing their public spaces to New Sanctuary Coalition

volunteers, and, in January of this year, it conducted an apparently coordinated operation to surveil, arrest and deport two coalition leaders. ICE agents successfully deported New Sanctuary Coalition co-founder Jean Montrevil to Haiti that same month. Across the country, there have been more than 20 reported cases of immigrant rights activists being targeted by ICE after speaking out. The enforcement of Ragbir's deportation order in the ordinary course would have involved his being provided with notice that the time had come for deportation, as well as an opportunity to wrap up his affairs and depart—indeed, that was ICE's own promise in the terms of his order of supervision. But ICE did not do that. It gave no notice or grace period. It did not even wait until its own grant of a two-year stay of removal had expired. Instead, after expressing his resentment of Ragbir's political activities and criticism of ICE, the deputy director of the New York ICE Field Office abruptly arrested him, revoked his order of supervision without hearing, revoked his stay of removal, took him away from his wife and counsel without informing them of his location, and moved him 1,000 miles away to a private prison in Florida, with the goal of deporting him to Trinidad the next day.

[NY] Can ICE Legally Force Immigrants to Cheer for Donald Trump?

[The Intercept](#) [10/27/2018 7:00 AM, Nick Pinto, 524K] reports do the First Amendment's protections prevent the government from targeting its most vocal critics for deportation? That's the central question that three judges for the 2nd Circuit Court of Appeals will be considering Monday, when lawyers for Ravi Ragbir, a New York City immigration activist, will argue for a preliminary injunction to stop Immigration and Customs Enforcement officials from deporting him before he can press his First Amendment claim in court. "An alien like Ragbir has no constitutional right to assert selective enforcement to prevent his removal from the United States in accordance with a valid order," the government argues in its brief.

Scott Mechkowski, the deputy director of ICE's New York Field Office and one of the defendants in the suit, told Ragbir's lawyers in January that he felt "resentment" about the circus of the political protest. ICE "didn't want the display of wailing kids and wailing clergy," Mechkowski separately told a group of clergy that visited his office. "That can't happen this time around." Ragbir's brief alleges that an ICE official warned his associates, "You don't want to make matters worse by saying things."

In addition to the attempted deportation of Ragbir, the successful deportation of fellow New Sanctuary activist Jean Montrevil, and the surveillance of their organization, Ragbir's lawyers point to an emerging pattern around the country, citing more than a dozen instances in which ICE targeted outspoken immigration activists for deportation. Last week, NWDC Resistance, an immigrant rights group in Washington State, filed its own lawsuit against ICE and the Department of Homeland Security in federal court in Seattle, alleging that ICE has a practice "To systematically surveil, detain, and deport immigrant activists who speak out about immigration policies and practices."

[VA] Inside Oswaldo: 13 years and no trial — Can ICE deport an undocumented immigrant accused of rape, murder?

[Williamsburg-Yorktown Daily](#) [10/29/2018 3:00 AM, Sarah Fearing, VA] reports it's been nearly 14 years since 16-year-old Brittany Binger was found raped and murdered on the side of the road in James City County. For nearly as long, prosecutors have had a suspect: A 47-year-old deaf-mute undocumented immigrant from El Salvador, Oswaldo Martinez. An unusual case, Martinez has been in state custody receiving treatment for more than a

decade. He is not considered competent to stand trial because he does not know any language well enough to understand the proceedings against him. So, as U.S. Immigration and Customs Enforcement cracks down on deportation of undocumented immigrants under the Trump Administration, how does immigration policy factor into the Martinez case? ICE has the power to deport an undocumented immigrant at any time — even if they're accused of a crime in the United States — but policy discourages ousting criminal defendants before their case goes to trial or they serve their sentence. With the serious nature of the capital charges against him, both local prosecutors and immigration policy experts say it's very unlikely Martinez will be deported before his trial.

Martinez's case will appear in the Supreme Court of Virginia Wednesday. His attorney, Tim Clancy, argues that his ongoing confinement without a trial is unconstitutional. He also says the treatment to restore Martinez to competency is not medical in nature, but educational, and is not the proper interpretation of Virginia Code. Experts say federal immigration policies allow any undocumented immigrant to be deported at any time. "Technically speaking, once he's an unauthorized immigrant, he is by law deportable, right?" said Randy Capps, director of research for U.S. Programs at the Migration Policy Institute. "The question then becomes 'Is he a target for prosecutorial discretion by ICE?'" Prosecutorial discretion is governed by policies set by the presidential administration. It instructs ICE officers, attorneys and immigration judges how to enforce immigration law, and who to prioritize for deportation. An ICE spokeswoman said ICE officials have also been unable to verify Martinez's "alienage or potential for removability" because he cannot communicate.

Reported similarly: [Hampton Roads Daily Press](#) [10/28/2018 8:00 AM, Peter Dujardin, 36K, VA]

[CO] Face-To-Face Meeting Between Rene Lima-Marin, Crime Victim Ends In Hug

[CBS 4 Denver](#) [10/26/2018 2:50 PM, Rick Sallinger, 86K, CO] reports twenty years after an armed robbery in Aurora and an unlikely prison term, two men who were at opposite ends of a gun have come face to face. He was sentenced to 98 years in prison after his arrest for the armed robbery of a Blockbuster video store Sept. 13, 1998. He was then released nine decades early by mistake. He married and started a new life. The paperwork error was discovered six years later and he was sent back behind bars. Lima-Marin eventually was pardoned by Colorado's governor. After winning an immigration court case he was finally set free.

[CA] U.S. citizen held by immigration agents wins \$55,000 settlement

[Los Angeles Times](#) [10/26/2018 4:50 PM, Alene Tchekmedyan, 3575K] reports that the government has agreed to pay \$55,000 to settle a lawsuit brought by a San Bernardino woman who was detained by immigration authorities last year despite repeatedly saying that she was an American citizen. Civil rights attorneys said Guadalupe Plascencia, a citizen for two decades, spent a night in jail last year before she was detained by U.S. Immigration and Customs Enforcement for at least an hour and a half, part of the time in handcuffs, and threatened with deportation. Plascencia eventually was released when her daughter showed ICE agents her passport. The settlement agreement calls for San Bernardino County to pay \$35,000 and the federal government \$20,000.

The [Pasadena Star News](#) [10/27/2018 12:11 PM, Roxana Kopetman, 16K, CA] reports that Plascencia said she had lived in San Bernardino for some 40 years and been a citizen for

nearly two decades when she was taken into custody on March 29, 2017. The San Bernardino woman was taken to the West Valley Detention Center in San Bernardino County, where she spent the night. Plascencia said she was traumatized by what happened and is worried for others who are detained by ICE.

[CA] DOJ Wins Tweak Of Bar On Sanctuary City Policy In Calif.

[Law 360](#) [10/26/2018 5:20 PM, Cara Bayles] reports that a California federal judge said Friday he would grant the government's bid to clean up an injunction order barring the Trump administration from denying the state public safety grants based on its sanctuary city policy, adding he would change the scope of the language to leave room for an appeal. U.S. District Judge William Orrick will likely amend the Oct. 5 nationwide injunction against the policy allowing the government to reject some grant applications if a town or city did not comply with a portion of the Immigration and Nationality Act. The policy, which Judge Orrick found unconstitutional, requires local governments to share citizenship or immigration status information with federal law enforcement in order to receive some U.S. Department of Justice public safety grants. Judge Orrick said he would grant the government's bid to tweak the language of the injunction on Friday, finding at a hearing in San Francisco that the current language, which forbids "the enjoined conditions," could prevent the DOJ from keeping its policy even if it wins on appeal. The injunction order will be amended to say the grants must be doled out without the DOJ "enforcing the conditions" of the policy. The case is *State of California ex rel. Xavier Becerra v. Sessions et al.*, case number 3:17-cv-04701, in the U.S. District Court for the Northern District of California.

Enforcement News

Some Vietnamese nationals facing deportation released from detention, feds say in court filing

[NBC News](#) [10/26/2018 7:20 PM, Agnes Constante, 3539K] reports that the federal government has said it is in the process of releasing some Vietnamese nationals in immigration detention who are excluded from deportation under an agreement between the U.S. and Vietnam, in what lawyers for the detained are calling a victory. In a September court filing acquired by NBC News, an Immigration and Customs Enforcement official wrote that the agency no longer believes that Vietnamese nationals who came to the U.S. before July 12, 1995 are "significantly likely to be removed to Vietnam in the reasonably foreseeable future."

[MA] Illegal Alien MS-13 Member—Who Entered U.S. as Unaccompanied Minor-- Caught With Loaded Gun in Boston

[CNS News](#) [10/26/2018 12:21 PM, Staff] reports an illegal alien from El Salvador, who was arrested in May while carrying a loaded gun in Boston, Mass., pleaded guilty in federal court yesterday--as a Department of Justice press release put it--to "one count of being an illegal alien in possession of firearms and ammunition." The illegal alien, Elmer Alfaro Hercules, who is now 20 years old, "was arrested in possession of a firearm in an East Boston park, a location where numerous MS-13 gang members have been observed and where gang-on-gang violence frequently occurs." "Hercules unlawfully entered the United States in 2014 as an unaccompanied minor," said the Justice Department release. "In April 2015, an immigration judge ordered him deported in absentia." United States Attorney Andrew E. Lelling; Harold H. Shaw, Special Agent in Charge of the Federal Bureau of Investigation,

Boston Field Division; Peter C. Fitzhugh, Special Agent in Charge of Homeland Security Investigations in Boston; Colonel Kerry A. Gilpin, Superintendent of the Massachusetts State Police; Commissioner Thomas Turco of the Massachusetts Department of Corrections; Essex County Sheriff Kevin F. Coppinger; Suffolk County Sheriff Steven W. Thompkins; Suffolk County District Attorney John P. Pappas; Middlesex County District Attorney Marian T. Ryan; Essex County District Attorney Jonathan Blodgett; Boston Police Commissioner William Gross; Chelsea Police Chief Brian A. Kyes; Everett Police Chief Steven A. Mazzie; Lynn Police Chief Michael Mageary; Revere Police Chief James Guido; and Somerville Police Chief David Fallon made the announcement.

[MA] "A man gone crazy": After attack at sea, one man is dead and another faces life in prison

[Virginian Pilot](#) [10/28/2018 11:00 AM, Peter Dujardin, 173K, VA] reports a York County-based fishing boat — the Captain Billy Haver — was 55 miles off the coast of Massachusetts a few weeks ago, dredging scallops from the sea. Then, seemingly out of the blue, a crew member started attacking his shipmates with a hammer. It was 2 p.m. when the vessel's captain radioed the Coast Guard for help on an international emergency distress channel. It wasn't clear what spurred the Sept. 23 attack. One crew member said he saw a fellow crew member, Franklin "Freddy" Meave Vazquez Jr., 27, of Newport News, holding a knife in one hand and a hammer in the other after he had been hit in the head. The boat's chief mate, Javier Rangel Sosa, 54, of Newport News, lay on the deck nearby, blood rushing from his mouth. Meave, 27 — a Mexican national who has lived in the United States for 17 years and in Newport News for 10 — was arrested by the Coast Guard. In April — while a domestic abuse case was pending — federal immigration officials determined that Meave was in the country illegally and took him into custody.

[NY] ICE Arrests 4-Time Deported Mexican National in New York

[Breitbart](#) [10/27/2018 9:01 AM, Bob Price, 2405K] reports Enforcement and Removal Operations officers arrested 50-year-old Adrian Solis-Castro in Queens, New York, on October 25 following his arrest by local law enforcement officials for a charge of forcible touching, according to information obtained by Breitbart News from U.S. Immigration and Customs Enforcement officials. Officials said that Solis-Castro is a Mexican national who has been deported from the U.S. on four separate occasions. A background investigation on the Mexican national revealed a criminal history that includes three felony drug convictions and a federal conviction for illegal re-entry after removal.

"This man was not only removed to his home country four times, but he has multiple felony convictions here in the United States. Now, he is being charged in federal court for illegal re-entry," ERO New York Deputy Field Office Director William Joyce said in a written statement. "It is important to note that ICE continues to play a positive role in the arrest and removal of criminal aliens, and will continue to do so in the interest of keeping our communities safe." If convicted on the charge of aggravated re-entry after removal, Solis-Castro could face up to 20 years in federal prison before being deported for the fifth time.

[NC] Drug busts in Wake County send 9 to jail on heroin, cocaine, meth, pot charges

[Raleigh News & Observer](#) [10/26/2018 2:06 PM, Ron Gallagher, 266K, NC] reports investigators from the Raleigh and Cary police departments and the Wake County Sheriff's Office arrested nine people Thursday in a series of cases that involved trafficking in heroin, cocaine and methamphetamine. One of the men whom sheriff's deputies arrested also was

wanted by Apex police in connection with a cocaine-trafficking case in which they had arrested a man on Wednesday. One of the men whom Raleigh police charged on trafficking charges was also involved in a chase on Interstate 440 by state troopers, who filed their own charges. Three men were held in lieu of bail, and federal Immigration and Customs Enforcement officials filed detainer requests saying that they appeared to be in the U.S. illegally. ICE said Israel Alexander Martinez-Molina is from El Salvador and Isak Carrillo-Venegas and Abraham Jimenez-Moreno are from Mexico.

[OH] Man held on six counts of sexual imposition, ICE retainer

[Dayton Daily News](#) [10/27/2018 2:03 PM, Thomas Gnau, 63K, OH] reports a man was being held Saturday in Montgomery County Jail on six counts of gross sexual imposition and a U.S. Immigration and Customs Enforcement (ICE) retainer, according to jail records. Carlomagno Santiago Lopez, 29, was held on six counts of third-degree felony gross sexual imposition and a federal ICE detainer, jail staff said Saturday. As of 1:30 p.m. Saturday, Lopez was still in custody, a jail officer said.

[MI] Attorney: Dearborn father faces 'lion's den' if deported to Lebanon

[Detroit News](#) [10/28/2018 9:05 PM, Mark Hicks, 154K, MI] reports that every day, Ibrahim Souedan's family hopes against all odds they can stay together. The Dearborn immigrant faces deportation back to the Middle East, but activists and attorneys are working to stop the move and protect a man they say helped convict an accused associate of the Hezbollah terrorist group, and he faces torture or death if returned. For those who love the father of five with no criminal record, the uncertainty and looming decision is an ordeal in itself. After years of legal wrangling related to overstaying a visa, U.S. Immigration and Customs Enforcement officials had recently ordered Ibrahim Souedan back to Lebanon on Wednesday, supporters said. His flight never materialized after the 59-year-old was hospitalized with heart issues his family said were caused by the stress of the impending departure. Souedan's lawyers have filed motions with the federal Board of Immigration Appeals seeking to stay his removal and reopen proceedings. Reached Friday, Khaalid Walls, a spokesman for the U.S. Immigration and Customs Enforcement, described Souedan as an "unlawfully present citizen of Lebanon overstayed his lawful admission by nearly two decades. He was ordered to depart in 2005 and multiple subsequent appeals upheld that decision. In an exercise of discretion, ICE has allowed him to remain free from custody pending his departure from the U.S."

[IA] Man threatens deputy and his family after narcotics arrest

[Marshalltown Times-Republican](#) [10/27/2018 5:42 AM, Staff, 3K, IA] reports a local man who was being processed at Marshall County Jail after a narcotics arrest Thursday threatened one of the arresting officers and his family, said Marshall County Sheriff Steve Hoffman. Ramon Alejandro Medina Angel, 25, made the threats which were witnessed by an MCSO jailer.

Also arrested was Codey Riley Briley, 28, of Marshalltown. A third local man, Victor Manuel Medina Moreno, 49, was charged with possession of a controlled substance-methamphetamine-first offense, and possession of drug paraphernalia. Immigration and Customs Enforcement authorities ordered a hold placed on the defendant after he is prosecuted by Marshall County.

[TX] After ICE detained this migrant in Texas, her C-section scar ripped open and she was denied surgery for 4 months

[Texas Tribune](#) [10/26/2018 3:00 PM, Hannah Wiley, 192K, TX] reports in the Immigration and Customs Enforcement detention centers where she was held, Luz became known as la llorona - the one who cries. First, she was separated from her 15-year-old son after fleeing what she described as 17 years of physical and emotional abuse - including death threats - from her husband and illegally crossing the Rio Grande on May 16. Within a week of arriving at Port Isabel, Luz said her umbilical hernia and Cesarean section scar -- the aftermath of delivering her seventh child in March 2017 -- ripped open. "Well it was a long time ago, you'll be fine," Luz said an agent told her. Within a week, Luz said her abdomen started leaking. In an emailed statement to the Tribune, ICE spokesperson Adelina Pruneda said the agency could not comment on Luz's case, but the agency "takes very seriously the health, safety and welfare of those in our care ... comprehensive medical care is provided to all individuals in ICE custody." Pruneda said detention centers provide 24-hour emergency care and are staffed with doctors, nurses, licensed mental health providers, physician assistants and nurse practitioners. ICE spends more than \$250 million annually on healthcare services for detainees, she added. ICE arranged for Luz to have surgery on Sept. 24 in a San Antonio hospital.

[TX] Child Molester Stopped from Illegally Re-Entering U.S.

[Breitbart](#) [10/27/2018 5:11 PM, Bob Price] reports Border Patrol agents in the Rio Grande Valley Sector stopped a previously deported child molester from successfully making his way back into the U.S. interior. Agents assigned to the McAllen Station apprehended an illegal alien on October 24 near the Texas border with Mexico. The man had just crossed the border illegally near the town of Penitas, Texas, according to information provided to Breitbart News by Rio Grande Valley Sector Border Patrol officials. The agents arrested the man and transported him to the McAllen Station for processing and a biometric background investigation. During a records check, the agents identified the man as a Honduran national who has a previous conviction for sex crimes against a child. A court in Miami-Dade, Florida, convicted the Honduran man on charges of fondling a child and indecent exposure, Border Patrol officials reported. The court sentenced the man to four months in jail and added a five-year probation. The man is the third previously deported child sex offender arrested by Border Patrol agents in less than a week.

[AZ] Child Sex Offender Busted Illegally Re-Entering U.S.

[Breitbart](#) [10/26/2018 10:37 AM, Bob Price, 2405K] reports that Border Patrol agents in the Tucson Sector arrested a Guatemalan man who was previously convicted for taking indecent liberties with a child in North Carolina. Agents assigned to the Tucson Station arrested an illegal immigrant after he allegedly crossed the border from Mexico near Arivaca, Arizona, on October 24. During the background investigation, agents identified the man as 26-year-old Salvin Nehemias Xan Chivalan. The man's criminal history includes a 2017 conviction in Charlotte, North Carolina, on a charge of taking indecent liberties with a child, officials stated.

[WA] Marysville predator who fled to Panama gets 14 years to life

[HeraldNet](#) [10/27/2018 5:27 AM, Caleb Hutton, 35K, WA] reports a Marysville child molester who fled to Panama to avoid pleading guilty was sentenced this week to at least 14 years in prison. James Duchow, 37, could spend the rest of his life behind bars for the long-term sexual abuse of two girls, if a state prison review board finds him unfit for release. Police

learned from Immigration and Customs Enforcement that Duchow had flown from Chicago to Panama. Panamanian police and U.S. Marshals tracked down Duchow in late May. Days later he arrived back in the United States. Duchow pleaded guilty to first-degree rape of a child, first-degree child molestation and bail jumping in August. For the rest of Duchow's life, he must register as a sex offender, have no contact with the girls and remain under the watch of a probation officer, if he's ever released from prison.

[CA] Teenager mistakenly held in adult detention for nearly a year is re-detained by ICE on his 18th birthday

[Los Angeles Times](#) [10/27/2018 5:00 AM, Brittny Mejia, CA] reports a teenager released from adult detention after mistakenly being determined to be an adult has been re-detained by Immigration and Customs Enforcement after turning 18. The teenager's case highlighted the controversial use of dental forensics to determine age. Last year, after Jose illegally crossed the border into California, a dental exam showed an 85% probability that he was 18. Lori Haley, an ICE spokeswoman, said Jose is in ICE custody "pending his removal from the United States." Jose has told U.S. officials that he fled Guatemala seeking protection from gang members who had shot him in the stomach after he repeatedly refused to join. When he crossed the border into Calexico last year on Oct. 27, Jose did not have a birth certificate.

[CA] Authorities Report Few Deportation Delays

[Santa Barbara Independent](#) [10/26/2018 12:24 PM, Blanca Garcia, CA] reports among other news shared at last week's immigration forum organized by the League of Women Voters is that, in the greater Santa Barbara region, the number of cases being granted stays of removal, or temporary postponement of deportation, by Immigration and Customs Enforcement (ICE) officials has decreased. That's according to Erica Reyes, the district representative for Congressman Salud Carbajal, and corroborated by Anahi Mendoza, executive director of the Immigration Legal Defense Center, two of the forum's four panelists. Sheriff Bill Brown and Jacqueline Inda, the founder of Santa Barbara Response Network (SBRN), were also on the panel to update the audience from their respective viewpoints and take questions. The decrease in the number of cases being granted temporary postponement of deportation is only one way in which immigration enforcement has changed in our county. Reyes and Brown spoke about how the implementation of "sanctuary state" laws, including California's Senate Bill 54, have changed the way enforcement actions take place. Because ICE's access to inmates has decreased, the agency is going into the community to conduct enforcement actions, Brown said. In 2017, ICE picked up 73.2 percent of its requested inmates. In 2018, the number has dropped to 20.5 percent, Brown said. The increased presence in communities has led to collateral arrests during enforcement actions, Reyes said.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

[Mobile User Copy and Searchable Archives](#)

Tuesday, Oct. 30, 2018

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Policy and Legislative News

Trump eyeing executive order to end birthright citizenship, a move most legal experts say runs afoul of the Constitution

[Washington Post](#) [10/30/2018 9:27 AM, John Wagner] reports that President Trump is vowing to sign an executive order that would seek to end the right to U.S. citizenship for children born in the United States to noncitizens, a move most legal experts say runs afoul of the Constitution. The action, which Trump previewed in a television clip broadcast Tuesday, would be the most aggressive by a president elected to office pledging to take a hard line on immigration, an issue he has revived in advance of next week's midterm elections. "We're the only country in the world where a person comes in and has a baby, and the baby is essentially a citizen of the United States for 85 years with all of those benefits," Trump said during an interview with Axios scheduled to air as part of a new HBO series starting this weekend. "It's ridiculous. It's ridiculous. And it has to end."

Whether the move is legal, Trump seemed to welcome the controversy his comments ignited. The White House has been intent on stoking a debate over immigration as a way to motivate Trump's base to turn out for midterm elections in which Republicans risk losing the House. In recent weeks, Trump has also repeatedly called attention to a migrant caravan making its way toward the U.S.-Mexico border, invoking it as a symbol of what he sees as wrong with the U.S. immigration system and blaming Democrats for a lack of action. Trump, who has long decried "anchor babies," said he has discussed ending birthright citizenship with his legal counsel and believes it can be accomplished with executive action, a view at odds with the opinions of most legal scholars.

U.S. will deploy 5,200 additional troops to the Mexican border, officials say

[Washington Post](#) [10/29/2018 6:49 PM, Dan Lamothe and Nick Miroff] reports that senior U.S. officials said Monday that some 5,200 additional U.S. troops will deploy to the border

with Mexico, as President Trump likened a caravan of Central American migrants who are heading north to "an invasion." The deployments, occurring under an operation known as Faithful Patriot, already are underway, said Air Force Gen. Terrence O'Shaughnessy, the chief of U.S. Northern Command. He said the military, working alongside U.S. Customs and Border Protection, will focus first on hardening the border in Texas, followed by Arizona, followed by California. The deployments will include three combat engineer battalions, members of the U.S. Army Corps of Engineers and troops who specialize in aviation, medical treatment and logistics, O'Shaughnessy said. He highlighted the deployment of helicopters, which will deploy with night-vision capabilities and sensors that will help CBP determine where they need to be. "We'll be able to spot and identify groups and rapidly deploy CBP personnel where they are needed," he said.

Trump on Monday tweeted accusations about the caravan without citing any evidence. "Many Gang Members and some very bad people are mixed into the Caravan heading to our Southern Border," Trump said. "Please go back, you will not be admitted into the United States unless you go through the legal process. This is an invasion of our Country and our Military is waiting for you!" One Department of Homeland Security official with knowledge of the planning said 5,000 active-duty soldiers would be temporarily sent to the border, but two other U.S. officials cautioned that the final number had yet to be determined by the Pentagon. It was not immediately clear why the scale of the mobilization increased fivefold from the 800 to 1,000 troops that Defense officials were discussing last week. The additional personnel would join roughly 2,000 National Guard troops assigned to the border since April, and the combined force would be the largest deployment there in at least a decade.

The [Wall Street Journal](#) [10/30/2018 1:44 AM, Nancy A. Youssef and Alicia A. Caldwell] reports that under the latest plans, about 1,800 troops will go to Texas, 1,700 to Arizona and 1,500 to California. The troops will be drawn from about 10 U.S. Army installations and consist largely of military police and engineers, one of the U.S. officials said. U.S. Marines also will be deployed, the U.S. official said. Some already have begun to deploy to the area and most are expected to serve there until mid-December, a Pentagon official said. Customs and Border Protection Commissioner Kevin McAleenan said Friday that the agency wasn't considering plans to have troops enforce immigration law. Mr. McAleenan said his agency is updating longstanding plans to deal with a mass migration situation, including possible temporary holding and processing facilities. He said officials will devise plans to ensure "we can secure the ports (of entry) to prevent a large group from coming at one time," Mr. McAleenan said. Earlier this year, officials from the Department of Homeland Security, including Mr. McAleenan and Secretary Kirstjen Nielsen, publicly encouraged would-be asylum seekers to ask for refuge at ports of entry, saying that was the only legal way to apply for asylum at the U.S. border. Crossing the border illegally is a federal misdemeanor.

[Newsweek](#) [10/29/2018 5:58 PM, James LaPorta and Tom O'Connor, 1720K] reports the U.S. military will have an actual force of up to 14,000 ready to intervene at the southern border with Mexico, including an additional 7,000 planned deployment in reserves.

[The Hill](#) [10/29/2018 10:53 AM, Rebecca Kheel and Megan Keller] reports, "Planning is still underway," Pentagon spokeswoman Laura Seal said in a statement to The Hill. "It remains premature to speculate total numbers or specific forces to be selected to accomplish the requested missions."

Additional reporting:

[Washington Post](#) [10/29/2018 12:36 PM, Robert Burns and Colleen Long]

[Politico](#) [10/29/2018 10:48 PM, Ted Hesson and Wesley Morgan, 2709K]

[Huffington Post](#) [10/29/2018 7:06 PM, Elise Foley, 9094K]

[The Hill](#) [10/29/2018 3:41 PM, Ellen Mitchell, 2630K]

[Reuters](#) [10/29/2018 4:49 AM, Phil Stewart and Yeganeh Torbati, 4724K]

[NBC News](#) [10/29/2018 12:20 PM, Dartunorro Clark, 3539K]

[USA Today](#) [10/29/2018 11:44 AM, Alan Gomez, 7165K]

[Bloomberg](#) [10/29/2018 4:39 PM, Jennifer Jacobs and Justin Sink]

[FOX News](#) [10/29/2018 11:20 AM, Lucas Tomlinson]

[Quartz](#) [10/29/2018 12:35 PM, Heather Timmons]

[VOA News](#) [10/29/2018 11:59 AM, Staff, 1028K, DC]

[VOA News](#) [10/29/2018 7:25 PM, Ken Schwartz, 1028K, DC]

[The Daily Caller](#) [10/29/2018 11:45 AM, Saagar Enjeti, 909K, DC]

[Washington Times](#) [10/29/2018 12:22 PM, Stephen Dinan, 547K, DC]

[Washington Examiner](#) [10/29/2018 10:03 AM, Travis J. Tritten, DC]

What is and isn't happening with the migrant caravan in southern Mexico

[Washington Post](#) [10/29/2018 11:07 AM, Philip Bump, 11653K] reports that with midterm elections looming next week, President Trump and his supporters have focused a lot of political energy on a group of migrants that began heading toward the U.S. border from Honduras two weeks ago. The rationale behind that focus isn't complicated. There is no problem seen as more significant by Republicans than illegal immigration, according to a recent Pew Research Center poll, and highlighting the issue that propelled Trump to the Republican presidential nomination seems like a good way to goose turnout from his party. That's meant amplifying or even inventing risks posed by the caravan, however. The political utility of a mass of people riddled with criminals, terrorists and disease – as Trump and some of his backers have presented the group – is more visceral than a caravan of migrants fleeing violence who may benefit from immigration laws that are ill-prepared for surges in people seeking asylum. On Monday morning, Trump again made that former argument explicit on Twitter: "Many Gang Members and some very bad people are mixed into the Caravan heading to our Southern Border. Please go back, you will not be admitted into the United States unless you go through the legal process. This is an invasion of our Country and our Military is waiting for you!"

[The Hill](#) [10/29/2018 5:26 PM, Emily Birnbaum] reports Fox News anchor Shepard Smith on Monday accused President Trump of exploiting the "migrant caravan" in order to stoke anxieties ahead of the Nov. 6 midterm elections. "Tomorrow the migrants, according to Fox News reporting, are more than two months away, if any of them actually come here," Smith said on air. "But tomorrow is one week before the midterm election, which is what all of this is about," he added. "There is no invasion. No one's coming to get you. There's nothing at all to worry about." Trump has called the caravan of Central American migrants an "invasion," using the kind of anti-immigration rhetoric that endeared him to his most fervent supporters in 2016. He has also referred to the midterms as the election of the "caravan." Democrats and immigration-rights activists have accused the president of drawing on xenophobic and racist images in an effort to frighten the electorate ahead of Election Day.

Reported similarly: [Independent](#) [10/29/2018 10:53 AM, Tom Embury-Dennis, UK]

For migrant caravan, the true distance of the journey ahead begins to sink in

[Arizona Republic](#) [10/29/2018 2:38 PM, Staff, 669K, AZ] reports that for some of the Central American migrants traveling in a massive caravan across Mexico, the reality of the enormous distance ahead has begun to set in. Their walk, if they reach the United States, will have more than 2,000 miles to go. The thousands of migrants reached the state of Oaxaca on Saturday, flooding the town of San Pedro Tapanatepec. Weary looking migrants, faces baked red from walking in the sun and heat, jammed into the town's square, sprawling under tarps or lining up for plates of tortillas and beans being handed out by local volunteers outside the main church.

For the caravan, traveling together is a form of protection, both against criminal organizations said to control much the area and also against Mexican immigration authorities. It has taken the leading migrant caravan a week to cross through the state of Chiapas, Mexico's most southern state, covering a distance of about 180 miles mostly on foot, averaging about 25 miles a day. At this rate, it will take at least 90 days to walk the remaining 2,300 miles to reach Tijuana, on the U.S. border, where several migrants said Saturday the caravan was headed.

Migrant caravan appears to be moving northward faster, as crowds take advantage of free rides

[FOX News](#) [10/29/2018 11:20 AM, Greg Norman] reports that migrants in the leading caravan trying to make its way to the United States appear to be approaching the border at a faster pace now, as the group takes advantage of rides being offered by trucks and other vehicles. A Fox News crew traveling with the caravan observed a group of migrants in Tepanatepec climbing up the sides of a tall red truck Monday morning after it pulled into an area where the city's mayor and volunteers were distributing food. "The trucks come up, and they queue up ... this is how they are mostly moving," Fox News' Griff Jenkins said on-air. "Now, they do walk, but it is very exhausting." The migrants are trying to make their way to Mexico City and then the U.S., despite repeated warnings from President Trump that they will not be allowed across the border. There are currently three migrant caravans trying to make their way to America. The first caravan, which has included as many as 7,200 people and is currently approximately 1,000 miles from the closest border crossing with the U.S., entered Mexico from Guatemala around Oct. 20. During its first three days in Mexico, that caravan traveled about 50 miles. Over the past six days though, the pace has picked up, and the group has covered more than 150 miles with the help of free rides given by vehicles and trucks like the one observed this morning.

2nd group of migrants enters Mexico as main caravan resumes

[Washington Times](#) [10/29/2018 10:03 AM, Santiago Billy and Christopher Sherman, DC] reports that several hundred migrants tried to cross the Suchiate River from Guatemala to Mexico en masse on Monday, but were met by ranks of Mexican federal police who blocked them from entering. The standoff on the riverbank follow a more violent confrontation that occurred on the nearby bridge over the river the night before, when migrants tossed rocks and used sticks against Mexico police. One migrant was killed Sunday night by a head wound, but the cause was unclear. While migrants on the bridge had appeared to be preparing for a second day of confrontations early Monday, instead they tried the route taken by the first caravan 10 days ago after it, too, was blocked: turn to the river below. The first, larger caravan made it across the river by wading or on rafts, and now is advancing through southern Mexico. But since that crossing, the Mexican Navy has begun patrolling

the Suchiate River and Mexican police have taken up positions on the riverbank, insisting migrants register before entering and show travel documents that many do not have.

Reported similarly: [UPI](#) [10/29/2018 10:58 AM, Nicholas Sakelaris, 303K]

Trump Says He'll Put Any Asylum Seeker From Migrant Caravan In 'Tent Cities'
[Huffington Post](#) [10/29/2018 11:33 PM, Nick Visser, 9094K] reports President Donald Trump said Monday on Fox News that he planned to put any members of the migrant caravan who apply for asylum into new "tent cities" that would be "all over the place," sharpening his recent efforts to politicize the southern border ahead of next month's midterm elections. "We're catching; we're not releasing," Trump said in the interview with Fox News host Laura Ingraham. "So if they want to come over, we're not even doing that. We're not letting them into this country. If they apply for asylum, we're going to hold them until such time as their trial takes place." The president said he would order the construction of tent cities that'd be "very nice." But he said he wouldn't spend "hundreds of millions of dollars" on "structures" to house anyone detained while awaiting the outcome of an asylum application. "We're going to put tents up all over the place," Trump said, before noting that "They're going to wait, and, if they don't get asylum, they're going to get out."

Additional reporting:

[The Hill](#) [10/29/2018 10:50 PM, Emily Birnbaum]

[U.S. News & World Report](#) [10/29/2018 10:52 PM, Staff]

[TIME](#) [10/30/2018 12:39 AM, Associated Press, 3468K]

[The Daily Caller](#) [10/29/2018 11:32 PM, Mike Brest, DC]

[Washington Examiner](#) [10/29/2018 11:18 PM, Diana Stancy Correll, 567K, DC]

'Angel Mom' on Migrant Caravan: 'We Need to Know Who's Coming Into Our Country'
[FOX News](#) [10/29/2018 11:20 AM, Staff] reports that as a caravan of migrants continues its march toward the southern U.S. border, an "Angel Mom" is calling out Congress for basically sending the message that "America's borders are open and we're welcoming anybody and everybody." Mary Ann Mendoza – whose police officer son was killed in 2014 by a drunk-driving illegal immigrant with a criminal record – said illegal immigrants will continue to "invade" the U.S. as long as our immigration laws incentivize them. "Thank goodness that we have a president who's standing up to it," Mendoza said, alluding to President Trump repeatedly stating that the caravan will not be allowed to enter the U.S. illegally and migrants must go through the proper legal processes. Despite Trump's strong words and the deployment of U.S. troops to the border to assist Homeland Security and the Border Patrol, the caravan is still advancing. Fox News' William La Jeunesse reported from Oaxaca, Mexico that there are approximately 4,000 to 7,000 people in the caravan, with some dropping off and others joining. He said the caravan is traveling about 25 miles a day, which puts it on pace to arrive in Tijuana in about 80 days. [Editorial note: consult source link for video]

Reported similarly: [FOX News](#) [10/29/2018 6:40 AM, Staff, 273889K]

As Caravan Approaches, Immigrant Rights Groups Condemn Session's Threat to Keep Immigrants Indefinitely Detained

[Yuba Net](#) [10/29/2018 2:41 PM, Staff, CA] reports as a caravan of thousands of people seeking asylum approaches the United States, Attorney General Jeff Sessions is preparing

to make a move that would allow him to keep any asylum seeker detained indefinitely. Today, immigrant rights advocacy groups and community leaders across the country joined to condemn Attorney General Jeff Sessions' latest power grab to further take away the power of immigration judges, leaving the decision of whether certain immigrants, such as asylum seekers, should be released from detention solely to Immigration and Customs Enforcement (ICE) agents. The more than 50 organizations filed a 'People's Amicus Brief' detailing their opposition. In early September, Attorney General Jeff Sessions announced that he would overturn a precedent by the Board of Immigration Appeals in the decision known as "Matter of X-K," which held that immigration judges have the power to release certain migrants on bond at a hearing. The last day to submit comments through amicus briefs is November 9. The brief describes why they oppose the Attorney General's latest power grab, including the alarming nature of leaving this critical decision up to ICE agents.

Trump administration considering limiting asylum seekers at southern border, could raise standard to claim asylum

[CNN](#) [10/30/2018 3:28 AM, Geneva Sands and Meagan Vazquez] reports the Trump administration is considering a plan to limit most, if not all, members of the group of migrants in Mexico heading toward the United States from crossing the border. A Department of Homeland Security official tells CNN the administration could limit the number of migrants able to enter at legal ports of entry. DHS would do this by "metering," essentially creating a waitlist to allow people to enter only if the department has the capacity to process and detain them at one of its facilities. Those who are allowed to enter the U.S. -- if they enter as a family -- may be given a stark choice. The administration is considering immediately giving those asylum seekers the option either to be detained together as a family during immigration proceedings or be separated from their kids, who would go into the care of the Department of Health and Human Services. In the past, the practice of metering has resulted in individuals deciding not to endure a lengthy wait to try to get into the country legally and instead to cross illegally. Should some of this group of migrants do the latter, they could face a tougher and higher standard for seeking asylum under the administration's plans. The Homeland Security official said President Donald Trump would likely address both ports of entry and illegal crossings when he makes an immigration announcement, expected this week.

The U.S. Is Granting Asylum Requests At The Lowest Rate In Two Decades, New Statistics Show

[BuzzFeed](#) [10/29/2018 5:42 PM, Hamed Aleaziz, 8149K] reports that immigration courts under the Trump administration have approved asylum cases at the lowest rate in nearly two decades, according to an analysis of Department of Justice data. The new figures come after a year in which Attorney General Jeff Sessions has taken a series of steps to curtail when individuals can gain asylum. In June, Sessions issued a major decision that eliminated claims of domestic violence or gang violence by nongovernmental actors as reasons for granting asylum.

"Through a targeted and well-coordinated effort the Trump administration has significantly decreased the number of people who qualify for asylum," said Sarah Pierce, an analyst at the Migration Policy Institute. The Department of Justice released the asylum data Friday. According to Pierce's analysis, the asylum approval rate is just over 33% for the 2018 fiscal year, which ended in September. Under the Obama administration, the rate hovered between 44% and 55%. The last time the rate dipped below 33% was in 1999, during the

Bill Clinton administration, when it was 31%, according to Pierce's analysis.

The [Inquisitr](#) [10/29/2018 8:39 PM, Chris Walker] reports that just one-in-three asylum seekers were approved by immigration courts over the past year. To compare, during the Obama administration the chances of someone getting approved were much higher, going as high as 55 percent and never lower than 44 percent during his eight years in office. Experts suggest the reason for the changes have to do with changes in policies created by Attorney General Jeff Sessions. In June, Sessions drastically altered who could apply for asylum, and restricted allowing individuals to make claims based on domestic abuse or gang violence in their home nations, according to reporting from the New York Times. Immigration judges are different than regular federal court judges. Technically, members of the executive branch of government, they are bound by the attorney general's rule changes, and cannot make opinions based on common law arguments as easily as judges in the judicial branch can, for example. Some have seen the moves put forward by Sessions and the administration of President Donald Trump as purposeful, and going in the wrong direction.

The case for amnesty

[VOX](#) [10/29/2018 1:00 PM, Matthew Yglesias, DC] reports there are about 11 million unauthorized immigrants living in the United States. Of those 11 million, some are dangerous criminals, but most, obviously, are not. What's more, a bit more than 8 million of them are gainfully employed — about 6 percent of the total U.S. workforce. Of those 11 million, 66 percent have lived in the United States for more than a decade and 80 percent have lived here for at least five years. You can't really apprehend and remove 11 million people in a manner consistent with due process in any kind of logistically tractable or financially feasible way. Back in the day, they'd orchestrate removal operations like "Operation Wetback" that just swept up Latino citizens along with unauthorized farmworkers and deported everyone in an unprincipled way precisely because mass removal is hard to do within the confines of the rule of law. People have been talking for so long about the idea of comprehensive immigration legislation that gives long-settled unauthorized residents the opportunity to pay back taxes and some kind of fine in exchange for legal status and a path to citizenship that everyone is sick of hearing about it. On the left, the speed with which "Abolish ICE" went viral shows that activists are bored with this idea, while immigrant communities themselves have grown deeply cynical after a decade of talk led to no action and then to Donald Trump.

Mexico no 'safe third country' for refugees

[UPI](#) [10/29/2018 1:07 PM, Patrick Timmons, 303K] reports the migrant caravan of Central Americans headed toward the United States has provoked an increasingly frustrated President Donald Trump to tweet "people have to apply for asylum in Mexico first." For that to happen, there would have to be a "safe third country" agreement between the United States and Mexico. Canada is the only country to have such an agreement with the United States, signed in 2002. The Trump administration has been trying to secure such an agreement with Mexico for months.

With the Honduran migrant caravan headed to the U.S.-Mexico border two Republican senators on the Judiciary Committee have urged the administration to do so, to "send a message to our partners across Central America that they, too, must share the burden of unsanctioned mass migration." If the United States had a safe third country agreement with

Mexico, it could close ports of entry on the southern border to some types of asylum seekers, requiring them to petition for asylum in Mexico instead. But the proposal faces high hurdles: Mexico's new president has signaled a more open approach to migration, while experts argue that Mexico is not safe for migrants and its asylum bureaucracy is unprepared for a significant increase in applications.

ICE speeds up the release in "catch and release" of families

[San Diego Union-Tribune](#) [10/29/2018 8:00 AM, Kate Morrissey and Molly Hennessy-Fiske, 291K, CA] reports that the federal government has begun shifting the burden of managing an influx of immigrant families on the border to local organizations and cities across the southwest border. President Donald Trump is reportedly contemplating a ban on asylum seekers on the southwest border, and he has railed against the idea of "catch and release" – detaining people who arrive at the southwest border only to let them go into the U.S. while they pursue cases in immigration court – but his administration's latest plan for asylum-seeking families would release them more quickly. While annual apprehensions are still below 2014, the last major surge in families and unaccompanied children, and far below totals decades ago, the number of families coming to the southwest border has increased. Border Patrol agents apprehended more than 16,600 family members in September, the most recorded in a single month since the agency began tracking family arrivals in fiscal 2013.

In the past, when a family was in custody at the southwest border, Immigration and Customs Enforcement officers would review a family's plans for living in the U.S., including calling the person whom the family planned to live with and helping with travel arrangements. ICE announced this week that because of the number of families arriving, its officers will no longer conduct these reviews. That means families will be released more quickly and in larger numbers, a policy dubbed "coordinated release" that has quietly been rolled out across the southwest since early October when it began in Arizona.

[TX] El Paso Joins National Response to Sessions Threat to Keep Asylum Seekers Indefinitely Detained

[KRWG](#) [10/29/2018 12:20 PM, Staff, 2K, NM] reports as a caravan of thousands of people seeking asylum approaches the United States, Attorney General Jeff Sessions is preparing to make a move that would allow him to keep any asylum seeker detained indefinitely. On Monday, October 29, immigrant rights advocates and community organizations around the country, including in El Paso, will file a "People's Amicus Brief" to condemn Jeff Sessions' latest power grab to further constrict the power of judges to make decisions on whether immigrants should remain in immigration detention centers or be allowed to have a hearing to pay bond. "The actions of Jeff Sessions are an example of this administration's racist and anti-immigrant agenda," said Lulu Ortiz an organizer with the Fronterizo Fianza Fund. "This decision would take away any opportunity for people to go before an immigration judge to present their case for bond, thus leaving the decision solely up to ICE agents, who have become President Trump's national police force. This will lead to a massive increase in the number of people held in immigration detention, including those held indefinitely." In early September, Attorney General Jeff Sessions announced that he would overturn a precedent by the Board of Immigration Appeals in the decision known as "Matter of X-K," which held that immigration judges have the power to release certain migrants on bond at a hearing. The "People's Amicus Brief" describes why they oppose the Attorney General's latest power grab, including that leaving the decision up to ICE agents is particularly worrisome.

[TX] San Antonio sees releases from detention centers, at border

[KSAT 12](#) [10/30/2018 3:49 AM, Jessie Degollado, 98K, TX] reports bus stations in border states, such as the one in downtown San Antonio, have come to represent the nation's new Ellis Island, in a sense. For decades, millions of immigrants who entered the U.S. were processed below the Statue of Liberty at Ellis Island. At the Greyhound bus station on St. Mary's Street, thousands of immigrants – most of them asylum seekers – have been dropped off in buses by agents from U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection. Nina Pruneda, a spokeswoman for ICE, confirmed that more families have been released over the past few weeks, but that's not due to the caravan. Pruneda sent KSAT the following statement: "Over the past few weeks, in response to rising arrest numbers, ICE has increased its number of releases from our two Texas family residential centers. These releases are part of normal ICE operations. Before releasing families, ICE reviews their cases individually. Currently, due to the increased workload, ICE is diverting local resources to augment these residential centers to efficiently accommodate the increased operational workflow. ICE operational activities are continuing without interruption at this time."

[AZ] How the Trump Administration Is Manufacturing a New Border Crisis

[The Intercept](#) [10/29/2018 2:01 PM, Ryan Devereaux, 524K] reports they began showing up the first weekend of October, hundreds of immigrant families deposited in Yuma and Tucson, Arizona. They came, almost entirely, from Central America, some seeking asylum, some seeking work, all hoping for a better life in the United States. They were parents with children of all ages. Some of the women were pregnant. Advocates on the ground in the Sonoran Desert had seen a version of this before. In 2014, amid a record influx of unaccompanied Central American children and families arriving at the border, the Border Patrol dumped more than 400 people at bus stations in Tucson and Phoenix in a single week. The practice went on for months, and it fell to churches, immigration advocates, and humanitarian volunteers to scoop up the men, women, and children left on the street with no place to go. Henry Lucero, ICE's field office director in Phoenix, told the Arizona Daily Star that the releases were simply a matter of capacity – that while ICE could process roughly 120 family members a day, Border Patrol agents in Arizona, particularly in the Yuma sector, were apprehending as many 200 family members a day.

[OR] Oregon voters will decide fate of state's controversial sanctuary law

[FOX News](#) [10/29/2018 1:48 PM, Dan Springer, 10787K] reports voters in Oregon are about to weigh in on one of the most controversial topics of our time. Should the local government provide sanctuary to immigrants who are in the U.S. illegally? Ballot Measure 105 would repeal the country's oldest sanctuary state law, passed almost unanimously in Oregon in 1987. It bars local police from using resources to enforce immigration law. Oregonians for Immigration Reform is spearheading the repeal effort. Leaders say it is policies like this that encourage the caravan of Central Americans making its way through Mexico to the U.S. border. 16 sheriffs from across Oregon say the law is not working. Citing safety and respect for the law, they signed a letter supporting a repeal of the law. Among the examples they point to is Sergio Martinez, an illegal immigrant convicted of sexually assaulting two women in Portland last year and sentenced to 35 years in prison. Just days before the attack, Martinez was in the Multnomah County Jail. Immigration and Customs Enforcement agents requested a detainer until they could get him. Citing the sanctuary law, Multnomah County Sheriff Mike Reese ignored the detainer request and released Martinez, even though he had already been deported 13 times.

Legal News

Legal fight looms as Trump admin considers caravan order that could violate federal law

[CNN](#) [10/29/2018 12:58 PM, Ariane se Vogue and Kyle Feldscher] reports as a migrant caravan hundreds of miles away moves toward the United States, the Trump administration is weighing its options on trying to block entry to the United States and possibly narrow the category of individuals who can apply for asylum. While the administration argues publicly that it wants to bolster U.S. capabilities at the border, immigrant rights groups warn that if the government attempts to limit asylum seekers from receiving a fair hearing, they will rush to court. The dispute, with no firm policy in place, comes in the shadow of the midterm elections and could prompt a massive legal battle. Under the 1951 UN Refugee Convention and the 1980 U.S. Refugee Act, individuals have a legal right to seek asylum whether at the US border, a port of entry or even from the interior of the country. Once an individual is apprehended at the border, and expresses a fear of returning to their country, they trigger what's called a "credible fear" interview before a trained asylum officer, at which point the individual has to demonstrate a credible fear in order to avoid expeditious removal. If the person establishes a credible fear, he or she is placed in proceedings before an immigration judge, and must then demonstrate eligibility for asylum.

Omar Jadwat, the director of the ACLU's Immigrants' Rights Project, who litigated one of the travel ban cases in the lower courts, said that the third version of the travel ban, the one which was upheld, had specific language within it saying it did not apply to those who had been granted asylum. "Nothing in this proclamation shall be construed to limit the ability of an individual to seek asylum, refugee status, withholding of removal, or protection under the Convention Against Torture, consistent with laws of the United States," it stated. "Even when this administration otherwise banned large numbers of Muslims, it explicitly provided that it was not taking away the right to apply for asylum," said Jadwat. "But if the reports are correct, under this new plan, the administration would now target asylum and refuse to protect individuals who can prove that they will be persecuted – a breathtaking moral failure."

Few Central Americans Win Asylum in the U.S. – Here's How One Man Did It

[Voice of San Diego](#) [10/29/2018 7:30 AM, Staff, 13K, CA] reports that only about 22 percent of Central Americans requesting asylum in the United States last year won their cases. Vladimir Cortez was one of them. Cortez, 26, made the journey from El Salvador in 2017 with the migrant caravan organized by the advocacy group Pueblo Sin Fronteras. As a young gay man, he faced discrimination and threats in El Salvador. One day, he received a threat so terrifying – in which he was given 24 hours to comply with a gang's order or be killed – that he decided to leave that day. Very often, people flee this region because their lives have been threatened. Very often, immigration judges agree that an asylum-seeker's life has been threatened, and that they will likely be killed if they return. And very often, judges deny those asylum-seeker's claims anyway. "Asylum laws are misunderstood, in that being afraid of dying or even having the likelihood of death if you return is not in itself the basis of asylum," said Jonathan Montag, president of the San Diego chapter of the American Immigration Lawyers Association. For Cortez, that meant proving that he was gay and that he was being persecuted for his sexual orientation.

Under U.S. asylum law, to argue persecution based on your gender or sexual orientation,

you need to argue under the "member in a particular social group" category. Case law has established more specific categories within the social group umbrella, like women who've suffered genital mutilation or people who are members of a particular family or clan that is being persecuted. But the Trump administration has been whittling down some of those decisions. The Board of Immigration Appeals, an administrative appellate body for immigration courts, found in 2014 that a woman abused by her husband qualified for asylum because she was a member of a group of "married women in Guatemala who are unable to leave their relationship." Immigration attorneys had since been using that decision to argue that Central American women who were fleeing domestic violence should be granted asylum. But in June, Attorney General Jeff Sessions invoked a rarely used power to refer the case to himself and re-interpret that decision, making it more difficult for domestic violence victims from Central America to win asylum. In his decision, Sessions also more broadly challenged the idea that victims of domestic or gang violence should qualify for asylum. "The mere fact that a country may have problems effectively policing certain crimes—such as domestic violence or gang violence—or that certain populations are more likely to be victims of crime, cannot itself establish an asylum claim," he wrote.

Watchdog Group Sues DHS Over Family Separation Records

[Law 360](#) [10/29/2018 8:23 PM, Taylor Arluck] reports the U.S. Department of Homeland Security has a "culture of noncompliance" that resulted in the agency not keeping files on immigrant families who were separated at the border, according to a complaint filed Friday in D.C. federal court by a government watchdog group. Citizens for Responsibility and Ethics in Washington said that Homeland Security Secretary Kirstjen Nielsen and her agency's ongoing refusal to maintain records over their zero tolerance and family separation policies toward immigrants crossing the U.S.-Mexico border violated the Federal Records Act. DHS remains in violation of federal records law despite this problem being pointed out in recent reports from other government agencies and former civil servants, according to CREW's complaint. The suit comes as the Trump administration actively considers a new family separation policy along the U.S.-Mexico border — including possible military action to stop a so-called migrant caravan of asylum-seekers in the run-up to the midterm elections.

[NY] Does the First Amendment Apply to Immigrants Facing Deportation?

[WNYC](#) [10/29/2018 3:35 PM, Beth Fertig, 150K, NY] reports, does the First Amendment protect non-citizens who believe they're being deported for political speech? That was one of the central arguments Monday when the prominent immigration activist Ravi Ragbir appeared at the federal appeals court in Manhattan.

[Law 360](#) [10/29/2018 8:49 PM, Staff] reports U.S. Immigration and Customs Enforcement told the Second Circuit on Wednesday that most people facing deportation do not enjoy certain free speech protections, saying precedent supports the deportation of a prominent organizer with a criminal past. The agency's stance drew sharp questioning from a panel of judges considering whether to grant a preliminary injunction to halt the removal of Ravi Ragbir, head of New Sanctuary Coalition of New York City and a native of Trinidad and Tobago, who was convicted of mortgage fraud in 2006. Immigration officials and courts have allowed Ragbir to live in the U.S. for more than two decades. He claims he was only targeted for deportation after speaking and rallying publicly against ICE policies since President Donald Trump took office. Ragbir's residency could hinge on the panel's reading of a 1999 U.S. Supreme Court ruling in *Reno v. American-Arab Anti-Discrimination*

Committee which held that only in "rare," "outrageous" circumstances can a person claim in federal court that they were selectively targeted for deportation.

[NY] Appeals judges debate whether ICE targeted immigration activist Ravi Ragbir
[New York Daily News](#) [10/29/2018 3:35 PM, Stephen Rex Brown, 1197K, NY] reports an attorney for immigration activist Ravi Ragbir pleaded with appeals judges Monday to not allow ICE to use "weaponized deportation laws to silence its own most prominent critic." The arguments came in a hearing regarding a lower court's dismissal of Ragbir's suit alleging that ICE's attempt to deport him earlier this year was an attack on his rights to free speech. "Does the First Amendment allow ICE to use weaponized deportation laws to silence its own most prominent critic?" Ragbir attorney Stanton Jones asked. Members of the three-judge panel of the 2nd Circuit Court of Appeals appeared skeptical of Ragbir's argument that his deportation was tainted by bias among ICE officials. But the judges also attacked the government's argument that they had a limited role to play in the case. Judge John Walker wondered how long Ragbir wanted ICE to be blocked from deporting him on the grounds it sought to silence his activism. Ragbir was convicted 17 years ago of wire fraud, making him eligible for deportation. Judge Pierre Leval challenged arguments by Assistant U.S. Attorney Steven Kochevar that the court had limited oversight of ICE's enforcement actions. "Is it outrageous for ICE to say, 'If they criticize us, they're out?'" Leval asked. The judges did not reveal when they will rule.

Additional reporting: [Courthouse News Service](#) [10/29/2018 10:00 AM, Adam Klasfeld, CA]

[ID] High Court Won't Hear Visa Fraud, Bond Hearing Cases

[Law 360](#) [10/29/2018 6:07 PM, Tiffany Hu] reports the U.S. Supreme Court on Monday declined to consider a decision that a detained Salvadoran man facing a reinstated deportation order was not entitled to a bond hearing to determine whether he was eligible for withholding of removal and another ruling that turned down a bid for a new trial by two brothers convicted of visa fraud. The high court refused to take up Raul Padilla-Ramirez's appeal of the Ninth Circuit's July 2017 decision that created a circuit split by finding that Padilla-Ramirez was detained under one provision of a statute that does not afford unauthorized immigrants a right to a bond hearing, rather than a different provision that governs the apprehension and detention of unauthorized immigrants and that does afford such a right. U.S. Immigration and Customs Enforcement apprehended Padilla-Ramirez in 2016 and reinstated the original removal order against him after he re-entered the country without authorization and was detained in Idaho on later-dismissed state criminal charges. He had been ordered removed and deported from the U.S. in 2010, according to court documents. Despite Padilla-Ramirez's bid for withholding of removal after he told an asylum officer about a reasonable fear of torture or persecution should he be sent to El Salvador, an immigration judge determined that she lacked the jurisdiction to hold a bond hearing and the Idaho federal court affirmed.

[CA] U.S. Citizen Detained by ICE Is Awarded \$55,000 Settlement

[New York Times](#) [10/29/2018 8:41 PM, Christine Hauser, 22322K] reports for more than three decades, Guadalupe R. Plascencia has been putting down roots in California as a naturalized American. She raised five children, worked in a beauty salon, and welcomed a new generation as her sons and daughters had families of their own. According to court documents, Ms. Plascencia was handcuffed, briefly detained by Immigration and Customs Enforcement officers in San Bernardino County and threatened with deportation. "Here, you

are nobody," an ICE officer told her, according to the documents. In December 2017, Ms. Plascencia, 60, sued the United States government and the San Bernardino County Sheriff's Department for false arrest and imprisonment, and in September she was awarded \$55,000 in a settlement, according to court documents filed in United States District Court in San Bernardino County last week. The county agreed to pay \$35,000 and the federal government agreed to pay \$20,000, according to the American Civil Liberties Union, which represented Ms. Plascencia in a lawsuit claiming that the detention violated her constitutional rights against unlawful seizure. The case is the latest to raise the issue of cooperation between law enforcement authorities and ICE.

Enforcement News

[NJ] Sparta Twp. crash ends in ICE arrest

[WRNJ Radio](#) [10/29/2018 3:27 PM, Jay Edwards, 1K, NJ] reports a Morris County man who rear-ended a car was arrested on a U.S. Immigration and Customs Enforcement warrant Thursday afternoon, Sparta Township Police Lieutenant John Lamon said. At around 3:00 p.m., police responded to Glen Road for a report of a motor vehicle accident, Lamon said. Cpl. Craig Grauerholz arrived on scene and determined that a red Ford pickup, being driven by Edving Gregorio, 32, of Denville, had rear-ended a vehicle that had stopped for a school bus unloading children, Lamon said. A further investigation led to the arrest of Gregorio for an active ICE warrant, Lamon said. Gregorio was charged with driving while suspended and careless driving. He was turned over to Immigration agents without further incident and faces possible deportation back to Guatemala, Lamon said.

[NC] Raleigh man brought from NJ on charges of raping 13-year-old four times

[News Observer](#) [10/29/2018 10:00 AM, Ron Gallagher, NC] reports that a 29-year-old man who lives in Raleigh faces four charges of raping a 13-year-old girl earlier this year and one charge of taking indecent liberties with a child. Mario Sigfredo Deras-Lopez, who gave his address as Field Cross Court, was jailed in Wake County on Sunday on warrants that Raleigh police swore out Sept. 5. Police said Deras-Lopez had been arrested in Ocean County, New Jersey, and extradited to North Carolina. The warrants said the rapes happened between April 1 and Sept. 4. The charge is for rape with a girl under 15, and police said the girl was 13. A magistrate set Deras-Lopez's bail at \$3 million pending a court hearing. U.S. Immigration and Customs Enforcement officials filed a request for Deras-Lopez to be held for 48 hours for them to take into custody if he is going to be released at any time.

Reported similarly: [WTVD Raleigh Durham](#) [10/29/2018 11:11 AM, Staff, 4K, NC]

[AL] Honduran man indicted in Alabama after 5th illegal entry into U.S., feds say

[AL.com](#) [10/29/2018 4:31 PM, Carol Robinson, AL] reports that a Honduran national was indicted by a federal grand jury in Birmingham after authorities say he illegal re-entered the U.S. for the fifth time. Gerardo Frasco-Gutierrez, 44, is charged with illegally being in the U.S. on Feb. 10 after having been removed from Texas on four previous occasions, according to a joint announcement by U.S. Attorney Jay E. Town and ICE Homeland Security Investigations Assistant Special Agent in Charge for Alabama James G. Hernandez. Frasco-Gutierrez, who was living in Boaz, was first removed in March of 2006. In 2007, Frasco-Gutierrez was convicted of distributing methamphetamine in Etowah

County and subsequently removed in March of 2008 and again in April 2012, authorities said. In July of 2016, Frasco-Gutierrez was convicted of illegally reentering the United States in the United States District Court for the Northern District of Alabama and sentenced to 27 months in federal prison. He is now being held without bond in the Morgan County Jail on a federal hold. Immigration and Custom Enforcement's HSI investigated the cases. "The HSI Alabama Team is committed to promoting public safety in both the state of Alabama and the Nation," Hernandez said. "HSI, in concert with our state and local partners, tirelessly pursues dangerous criminals threatening our society. We are proud to partner with U.S. Attorney Town in these efforts here in the Northern District of Alabama."

[MI] Trump vowed to protect Arab Christians, so why is ICE accused of lying in bid to deport them?

[NBC News](#) [10/29/2018 7:25 AM, Lisa Riordan Seville, 3539K] reports that soon after taking office, President Trump vowed to help Christians facing religious persecution in the Middle East. But his administration has taken a very different approach at home, pushing to deport scores of Iraqi Christians who fear violence in their homeland and going so far as to appear to falsely represent to a judge that the Iraqi government was willing to accept them, according to court documents made public last week that included hundreds of pages of internal government emails and memos. The previously undisclosed details of the Trump administration's allegedly deceptive tactics emerged as part of a Michigan court case where 1,400 Iraqi nationals, including many Christians from a community that strongly supported Trump, are fighting to stay in the U.S. "We're concerned that this is really the tip of the iceberg in terms of misrepresentations that ICE is providing to the courts," said Miriam Aukerman, an attorney with the American Civil Liberties Union, which is representing the Iraqis.

According to a government memo dated July 19, 2017, ICE Deputy Assistant Director John Schultz's unit was drafting a visa sanctions package for Iraq because of the country's opposition to accepting the detainees. The memo says ICE had been "unsuccessful in securing cooperation from the Government of Iraq in the acceptance of its nationals subject to final orders of removal." ICE officials thought sanctions were the "only remaining avenue available to secure cooperation," the memo says. It refers to Iraq as one of the "most recalcitrant countries." But on the very next day, July 20, 2017, Schultz submitted a sworn declaration to the court that said Iraq was happy to accept the detainees. Just last week, the ACLU asked the court to sanction the U.S. government for what it describes as "lying to keep the detainees locked up." The statements from ICE officials were "true when they made them," attorney Williams Silvas told the court. "The undisputed evidence shows that Iraq is working with the United States to repatriate" the Iraqis, just as Schultz and other ICE officials "said they would," he added.

[TX] Border Patrol Arrest Criminal Aliens and Gang Member

[KVEO](#) [10/29/2018 4:58 PM, Staff, TX] reports U.S. Border Patrol agents in the Rio Grande Valley arrested a sexual predator and an international gang member. On Oct. 24, Weslaco agents arrested a Mexican national after he illegally entered the United States near Pharr. During processing, records checks revealed two outstanding warrants for sexual assault from the McAllen and Edinburg Police Departments. That same afternoon, McAllen agents encountered a group of 34 illegal immigrants, comprised of family units and unaccompanied children, near the city of Hidalgo. While processing the group, record checks identified a Salvadoran woman, who is traveling with her one-year-old child, as an 18th Street gang

member. Oct. 26, agents from the Fort Brown station arrested a Mexican male in Brownsville. During processing, record checks revealed an arrest for Rape of a Child and a later conviction for a lesser charge of Communicate w/ Minor for Immoral Purposes in the state of Washington. The man received a sentence of one year in jail. Oct. 27, McAllen agents working in Abram, Texas, arrested a Mexican male after he illegally entered the United States. Record checks revealed an arrest for Sexual Abuse of a Minor by the Arizona Department of Public Safety, which resulted in a conviction and sentence of two years and six months imprisonment.

[TX] Homicide suspects previously held in Webb County Detention Center deported
[Laredo Morning Times](#) [10/29/2018 9:21 AM, Staff, 32K, TX] reports that two Salvadoran nationals, who are wanted in their home country for separate aggravated homicides and other charges, were removed by officers with U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations. Glenda Lisette Campos-Rivera, 24, and Jose Rosa Munoz, 28, both wanted for aggravated homicide, were flown to El Salvador on Oct. 25 on a charter flight coordinated by ICE's Air Operations Unit. Upon arrival, Campos-Rivera and Munoz were turned over to officials from El Salvador's Civilian National Police. "Campos-Rivera and Munoz came to the United States while facing charges of aggravated homicide," said Daniel Bible, field office director for ERO San Antonio. "The cooperation between the U.S. and our Salvadoran counterparts resulted in removing both immigration fugitives who are a threat to public safety."

[ID] African man has emotional last visit with his Pocatello family before likely deportation

[Idaho State Journal](#) [10/29/2018 9:10 PM, Shelby Harris, 19K, ID] reports an African man who has lived in Pocatello for longer than a decade and is facing likely deportation from the United States saw his American family for what could be the last time on Sunday. U.S. Immigration and Customs Enforcement officials have plans to remove Chakanetsa Christopher Matimba to his native Zimbabwe on Tuesday unless the federal Board of Immigration Appeals in Virginia grants a request to postpone his deportation, according to Matimba's wife, Deon Matimba. Prior to moving to the jail in Mountain Home, Christopher had been incarcerated at the Jefferson County Jail in Rigby since June 5, when he was arrested after a routine check-in at an ICE facility in Idaho Falls. During that visit, Christopher was arrested and subsequently detained because ICE issued an order for his removal from the country in 2007 that was never satisfied. The order of Christopher's removal was issued after he pleaded guilty to domestic battery in 2007, which essentially made it illegal for him to remain in the U.S. This order of removal was issued despite Christopher serving his domestic battery sentence of three years of probation and successfully working to have the conviction entirely removed from his criminal record.

{End of Report}



EOIR MORNING BRIEFING

U.S. Department of Justice
Executive Office for Immigration Review
By TechMIS

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Wednesday, Oct. 31, 2018

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Policy and Legislative News

Trump vows executive order to end birthright citizenship, a move most legal experts say would run afoul of the Constitution

[Washington Post](#) [10/30/2018 8:01 PM, John Wagner, Josh Dawsey and Felicia Sonmez] reports that President Trump is vowing to sign an executive order that would seek to end the right to U.S. citizenship for children born in the United States to noncitizens, a move that most legal experts say would run afoul of the Constitution and that was dismissed Tuesday by the House's top Republican. The action, which Trump previewed in a television clip broadcast Tuesday, would be the most aggressive by a president elected to office pledging to take a hard line on immigration, an issue he has revived in advance of next week's midterm elections.

"We're the only country in the world where a person comes in, has a baby, and the baby is essentially a citizen of the United States for 85 years with all of those benefits," Trump said during an interview with Axios scheduled to air as part of a new HBO series starting this weekend. "It's ridiculous. It's ridiculous. And it has to end." In fact, more than 30 countries, including Canada and Mexico, have similar policies.

Leading Democrats and immigrants rights activists blasted Trump's promise Tuesday. And House Speaker Paul D. Ryan (R-Wis.) also dismissed the idea during a radio interview, saying it is not consistent with the 14th Amendment of the Constitution. "Well, you obviously cannot do that," Ryan said on WVLK in Kentucky. "You cannot end birthright citizenship with an executive order." Ryan also said that Republicans did not like it when President Barack Obama changed immigration policy by executive action and that altering the Constitution would be a lengthy process. Other Republicans said that while birthright citizenship for children of permanent residents is settled law, there is, as Senate Judiciary Committee Chairman Charles E. Grassley (Iowa) put it, "a debate among legal scholars about whether that right extends to the children of illegal immigrants." Grassley added that the issue is one on which Congress, rather than the president, should take the lead.

The [Washington Post](#) [10/30/2018 12:20 PM, Associated Press] also reports that Vice President Mike Pence says potentially changing birthright citizenship is part of the Trump administration's broad look at U.S. laws that draw people into the country illegally. Pence said Tuesday the administration is looking at action that would revise birthright citizenship, which is guaranteed under the 14th Amendment. The amendment's Citizenship Clause says all people born or naturalized in the United States are citizens of the United States. Pence says the Supreme Court has never ruled on whether the language in the amendment applies specifically to people in the country illegally. In a Politico interview, Pence denied that President Donald Trump's current talk about immigration is a scare tactic to rally Republican support in the midterms.

[Axios](#) [10/30/2018 8:00 AM, Jonathan Swan and Stef W. Kight] reports that President Trump announced his plans to sign the executive order yesterday in an exclusive interview for "Axios on HBO," a new four-part documentary news series debuting on HBO this Sunday at 6:30 p.m. ET/PT. [Editorial note: consult source link for video]

[USA Today](#) [10/30/2018 5:14 PM, Maureen Groppe] reports Vice President Mike Pence backed Tuesday the intent of his boss to test whether the president can unilaterally stop the United States from granting citizenship to anybody born on U.S. soil. Pence said it's not clear whether the constitutional amendment that created "birthright citizenship" applies to people who are in the country illegally. "We all know what the 14th Amendment says. We all cherish the language of the 14th Amendment," Pence said Tuesday in an interview with Politico. "But the Supreme Court of the United States has never ruled on whether or not the language of the 14th Amendment, subject to the jurisdiction thereof, applies specifically to people who are in the country illegally." Many legal analysts doubt the president's theoretical executive order would fly with the Supreme Court. In a 1982 decision, the Supreme Court ruled that even if a person enters the country illegally, that person is within U.S. jurisdiction and "Is subject to the full range of obligations imposed by the State's civil and criminal laws. And until he leaves the jurisdiction - either voluntarily, or involuntarily in accordance with the Constitution and laws of the United States - he is entitled to the equal protection of the laws that a State may choose to establish."

Additional reporting:

[Washington Post](#) [10/30/2018 10:13 AM, Aaron Blake, 11653K]

[Washington Post](#) [10/30/2018 9:53 AM, Robert Barnes]

[Washington Post](#) [10/30/2018 5:47 PM, Staff]

[New York Times](#) [10/30/2018 8:00 AM, Julie Hirschfeld Davis]

[Wall Street Journal](#) [10/30/2018 4:10 PM, Alex Leary]

[Politico](#) [10/30/2018 3:11 PM, Caitlin Oprysko and Ted Hesson, 2709K]

[The Hill](#) [10/30/2018 8:00 PM, Mike Lillis, 2630K]

[The Hill](#) [10/30/2018 7:25 AM, John Bowden, 2630K]

[The Hill](#) [10/30/2018 3:05 PM, Jordan Fabian, 2630K]

[Bloomberg](#) [10/30/2018 1:56 PM, Kathleen Hunter and Terrence Dopp]

[CNN](#) [10/30/2018 4:42 PM, Kevin Liptak and Devan Cole]

[FOX News](#) [10/30/2018 7:35 AM, Benjamin Brown, 10787K]

[NBC News](#) [10/30/2018 2:08 PM, Adam Edelman]

[USA Today](#) [10/30/2018 3:04 PM, William Cummings and David Jackson]

[Newsweek](#) [10/30/2018 12:13 PM, Greg Price, 1720K]

[VOA News](#) [10/30/2018 4:19 AM, Sherman Herman, 1028K]

[The Daily Caller](#) [10/30/2018 1:06 PM, Will Racke, 909K, DC]

[Washington Examiner](#) [10/30/2018 8:57 AM, Tiana Lowe, 567K, DC]

[Washington Examiner](#) [10/30/2018 9:35 PM, Melissa Quinn, 567K, DC]

[Washington Times](#) [10/30/2018 7:49 PM, Stephen Dinan, 547K, DC]

[Houston Chronicle](#) [10/30/2018 11:53 PM, Lori Kriel, 170K, TX]

Paul Ryan Dismisses Trump Plan To Void Birthright Citizenship Law By Executive Order

[National Public Radio](#) [10/30/2018 8:29 AM, Bill Chappell and Vanessa Romo] reports House Speaker Paul Ryan pushed back on Tuesday on President Trump's claim that he can strip birthright citizenship from the U.S. via executive order, saying such a move would be "unconstitutional." "Well, you obviously cannot do that," Ryan told radio station WVLK in Kentucky. "You cannot end birthright citizenship with an executive order." Ryan noted any changes to a constitutional amendment require an act of Congress, adding: "We didn't like it when Obama tried changing immigration laws via executive action, and obviously as conservatives we believe in the Constitution ... I'm a believer in following the plain text of the Constitution and I think in this case the 14th Amendment is pretty clear, and that would involve a very, very lengthy constitutional process."

Reported similarly:

[Washington Examiner](#) [10/30/2018 2:22 PM, Anna Giaritelli, DC]

[Washington Times](#) [10/30/2018 2:07 PM, Stephen Dinan, 547K, DC]

Lindsay Graham backs Trump's plan to end birthright citizenship

[New York Post](#) [10/30/2018 12:29 PM, Bob Fredericks, 3705K, NY] reports Sen. Lindsey Graham on Tuesday cheered President Trump's latest plan to target illegal immigrants and fire up his base before the midterms – saying he would introduce legislation to end birthright citizenship. "Finally, a president willing to take on this absurd policy of birthright citizenship," the South Carolina Republican wrote. Graham, who had floated the idea before, as far back as July 2010, said eliminating birthright citizenship, enshrined in the Constitution's 14th Amendment, should be part of overall immigration reform, though he offered no details. "I've

always supported comprehensive immigration reform – and at the same time – the elimination of birthright citizenship," he wrote. Birthright citizenship, he said, encouraged illegal immigrants to come to the U.S., where their stateside-born children would automatically become citizens.

Trump wants to end birthright citizenship. A judge he appointed says he can't.

[Washington Post](#) [10/30/2018 3:42 PM, Deanna Paul] reports that days before the midterm elections, President Trump claimed that he was preparing an executive order to end birthright citizenship. But Judge James C. Ho, a recent Trump appointee, may stand in his way. "Birthright citizenship is guaranteed by the Fourteenth Amendment. That birthright is protected no less for children of undocumented persons than for descendants of Mayflower passengers," the U.S. circuit judge of the U.S. Court of Appeals for the 5th Circuit wrote in a 2006 law review article. Contrary to Trump's announcement Tuesday, Ho said that a constitutional amendment was the exclusive way to restrict birthright citizenship. "Opponents of illegal immigration cannot claim to champion the rule of law and then, in the same breath, propose policies that violate our Constitution," Ho said in a 2011 opinion piece published by the Wall Street Journal, reinforcing his earlier position.

Reported similarly: [Bloomberg](#) [10/30/2018 12:00 AM, Staff, 67K]

Can Trump End Birthright Citizenship? Scholars Say No

[Law 360](#) [10/30/2018 10:32 PM, Nicole Narea] reports the president cannot use an executive order to eliminate birthright citizenship as it has been construed under the Fourteenth Amendment and related U.S. Supreme Court precedent despite immigration restrictionists' arguments to the contrary, legal scholars told Law360 on Tuesday. President Donald Trump had told Axios in an interview published Tuesday that he would issue an executive order to terminate the right to citizenship for children of non-citizens and unauthorized immigrants born in the U.S., without specifying when he would do so. The proposal was met with swift condemnation from immigrant advocates and legal scholars, who said it was constitutionally untenable and contrary to 120-year-old legal precedent. "President Trump's claim that he can eliminate birthright citizenship by executive order is flatly wrong," Stephen Legomsky, an immigration law professor at Washington University Law, said. "This latest attack extends his declaration of war to native-born U.S. citizens. I expect that even the current Supreme Court will find this to be too great a stretch."

The Citizenship Clause Means What It Says

[The Atlantic](#) [10/30/2018 9:00 PM, Garrett Epps, MA] reports, "It is proper to take alarm at the first experiment on our liberties," James Madison wrote in 1785. President Donald Trump confirmed Tuesday that he plans to move from experimentation on liberty into widespread application of the tyrant's playbook. In an interview with Axios on HBO, Trump confirmed what had been suspected since last summer: He is planning an executive order that would try to change the meaning of the Constitution as it has been applied for the past 150 years — and declare open season on millions of native-born Americans. The order would apparently instruct federal agencies to refuse to recognize the citizenship of children born in the United States if their parents are not citizens. The Axios report was unclear on whether the order would target only American-born children of undocumented immigrants, children of foreigners visiting the U.S. on nonpermanent visas — or the children of any noncitizen. If the administration attempts to strip citizenship from millions of Americans — millions of people who have never known any other country — the trapdoor to dictatorship

will have fallen open. The executive order cannot be enforced without a huge apparatus of internal control. Immigration and Customs Enforcement will, of necessity, become the skeleton of a nationwide citizenship police.

For Many American Families, Abolishing Birthright Citizenship Is 'Unthinkable'

[New York Times](#) [10/30/2018 12:06 AM, Caitlin Dickerson and Miriam Jordan, 22322K] reports that Cipriano and Josefa moved to the United States in the early 1990s from Guerrero, Mexico, and settled in North Carolina. They got jobs on chicken farms, hoping to secure a chance at the American dream for their growing family. For three of their children, who were born in the United States, it worked: As American citizens, they have been allowed to drive, attend college at in-state rates, work, and rent apartments legally. A fourth child, a daughter who was only a year old when the family moved illegally to the United States, had a different experience. Though she is the oldest of her siblings, she was the last to move out of her parents' home. Despite her academic success, she attended community college because she could not afford to pay out-of-state fees at a four-year university. The family was split by one of the oldest tenets of American democracy, which automatically grants citizenship to anyone born in the United States, even those whose parents are undocumented.

President Trump said he was exploring a plan to abolish birthright citizenship to children born of undocumented parents, a move that could have consequences for a wide variety of families from around the world. The latest policy proposal appears to be aimed chiefly at families from Mexico and Central America, who make up three quarters of the undocumented population in the United States and who continue to arrive at the southwest border in substantial numbers.

U.S. birthright citizenship explained: What is it, how many people benefit

[USA Today](#) [10/30/2018 4:05 PM, Alan Gomez, 7165K] reports that President Donald Trump is trying to follow through on one of his campaign promises by ending birthright citizenship, a 150-year-old law enshrined in the Constitution that grants U.S. citizenship to anybody born on U.S. soil. The law has been the target of anti-immigration groups for years, who claim it's been abused by undocumented immigrants and companies that peddle "birth tourism." But defenders say it's been established in U.S. law, upheld by the Supreme Court. Trump's announcement that he will end the practice through an executive order just days before the midterm elections is sure to draw immediate legal challenges that could lead all the way to the Supreme Court. Trump's announcement that he will end the practice through an executive order just days before the midterm elections is sure to draw immediate legal challenges that could lead all the way to the Supreme Court.

Denying citizenship to children of some immigrants would relegate millions to second-tier status

[Washington Post](#) [10/30/2018 12:54 PM, Phillip Bump, 11653K] reports one would be perfectly justified in dismissing reports that President Trump hopes to end the long-standing practice of granting citizenship to people born in the United States by default. As our Aaron Blake notes, doing so by executive order (as he reportedly hopes to do) is more than fraught, and Trump has a history of promising sweeping changes that never come to fruition. But this is not a new issue for immigration skeptics. Sen. Lindsey O. Graham (R-S.C.) has long supported revisiting the idea and has already announced his plan to try to effect the change through legislation. Vice President Pence, in an interview with Politico on

Tuesday, suggested that the core question was if the right applied "specifically to people who are in the country illegally" – in other words, to undocumented immigrants.

Migrant caravan demands transport as 2nd group enters Mexico

[Associated Press](#) [10/30/2018 2:29 PM, Christopher Sherman and Santiago BILLY, 98K, IL] reports more than 1,000 migrants in a second caravan that forged its way across the river from Guatemala began walking through southern Mexico on Tuesday and reached the city of Tapachula -- some 250 miles behind a larger group and more than 1,000 miles from the closest U.S. border. Members of the latest caravan say they aren't trying to catch up with the first because they believe it has been too passive and they don't want to be controlled. The activist group Pueblo Sin Fronteras has been accompanying the first group and trying to help it organize. The first, larger caravan of about 4,000 mainly Honduran migrants passed through Tapachula about 10 days ago and was setting up camp in the Oaxaca state city of Juchitan, which was devastated by an earthquake in September 2017. The first caravan was still about 900 miles from the nearest U.S. crossing at McAllen, Texas, and possibly much farther if it heads elsewhere.

[ALT 103.9](#) [10/30/2018 10:42 AM, Steve Gregory, 735K, OH] reports that at the current pace, members of both groups are still weeks away from arriving at the closest U.S./Mexico port of entry which is in McAllen, Texas. The caravans stopped for a break over the weekend in the town of San Pedro Tapanatepec, which is in the state of Chiapas. This puts the groups a little over 1,000 miles from Texas.

DHS Agents in Riot Gear Close U.S.-Mexico Border for Caravan That's 1,500 Miles Away

[Daily Beast](#) [10/30/2018 4:51 PM, Justin Glawe, 2272K, NY] reports armed federal agents temporarily shut down an international border crossing on the U.S.-Mexico border this week in preparation for a caravan of poor, unarmed migrants who are 1,500 miles away. The migrants would have to walk the equivalent of Dallas to New York City before reaching the bridge separating the agents on the U.S. side from Juarez, Mexico. On Sunday and Monday, dozens of agents with Customs and Border Protection and Immigrations and Customs Enforcement amassed at Paso del Norte, the port of entry separating El Paso, Texas and Juarez, Mexico. With helicopters hovering overhead the agents-some wearing ski masks to obscure their faces-conducted drills on the bridge while pedestrians and motorists looked on. "It's to create a feeling of panic that there's some kind of national emergency at the border and that's just not the case," said Iliana Holguin, an El Paso immigration attorney. A CBP spokesperson confirmed the exercises are part of the Trump Administration's response to a caravan of Central American migrants walking through Mexico to the United States. "CBP is currently monitoring the situation regarding the caravan migrating from Central America toward the U.S. border," the spokesperson said in a statement, adding "We will not allow a large group to enter the U.S. unlawfully." Members of the caravan, Holguin noted, plan to seek asylum by turning themselves into authorities at ports of entry, not enter illegally. Doing so is well within their rights under U.S. law, Department of Homeland Security Secretary Kirstjen Nielsen said in June. "You are not breaking the law by seeking asylum at a port of entry," Nielsen said.

[CNN](#) [10/30/2018 9:44 PM, Zachary Cohen, Nicole Gaouette and Ryan Browne, 25865K] reports with his decision to deploy more than 5,000 troops to the U.S.-Mexico border, President Donald Trump has ordered more military personnel to the U.S. southwest than he

has serving in some of the world's most contentious combat zones. Senior military officers have defended the deployment on national security grounds but the mission – dubbed Operation Faithful Patriot – raises a slew of questions, with many veterans condemning it as a political stunt by a President eager to fire up his political base just days away from the midterm elections.

U.S. troops deployed at the border limited in what they can do

[Washington Post](#) [10/30/2018 5:47 PM, Astrid Galvan] reports the more than 5,200 active-duty troops being sent by President Donald Trump to the U.S.-Mexico border will be limited in what they can do under a federal law that restricts the military from engaging in law enforcement on American soil. That means the troops will not be allowed to detain immigrants, seize drugs from smugglers or have any direct involvement in stopping a migrant caravan that is still about 1,000 miles from the nearest border crossing. Instead, their role will largely mirror that of the existing National Guard troops — about 2,000 in all — deployed to the border over the past six months, including providing helicopter support for border missions, installing concrete barriers and repairing and maintaining vehicles. The new troops will include military police, combat engineers and helicopter companies equipped with advanced technology to help detect people at night. R. Gil Kerlikowske, Customs and Border Protection commissioner from 2014 to 2017, said the military cannot stop asylum seekers who show up at border crossings to seek protection, and that Border Patrol agents have had no trouble apprehending people who cross illegally. "I see it as a political stunt and a waste of military resources and waste of tax dollars," said Kerlikowske, who was at the helm during a major surge of Central Americans migrants in 2014. "To use active-duty military and put them in that role, I think is a huge mistake. I see it as nothing more than pandering to the midterm elections by the president."

70-80 percent of caravan is adult men: Border official

[Washington Examiner](#) [10/30/2018 9:21 PM, Anna Giaritelli, 567K, DC] reports nearly three-quarters of those in the caravan of Central American migrants traveling through Mexico to the United States are adult men, a senior Border Patrol official told the Washington Examiner. Families and unaccompanied children make up "about 20 to 30 percent" of the caravan, according to Roy Villareal, deputy chief patrol agent of the Border Patrol's San Diego Sector. "The rest of that is single, adult males," Villareal said during a recent tour of the region. Single-parent families and children who illegally enter the country will not be prosecuted, unlike adults. If a one-parent family or child is found to have illegally entered the country, they may also still claim asylum. The process of having an asylum claim heard before a judge can take a couple of years. Due to the Department of Homeland Security's inability to hold more than a few thousand people at a time, tens of thousands of people were released into the country in fiscal 2018 and told to appear for immigration court dates in the future.

Pence on migrant caravan: 'This is nothing short of an assault on our country'

[The Hill](#) [10/30/2018 9:14 AM, Megan Keller, 2630K] reports that Vice President Pence on Monday said that the migrant caravans streaming towards the U.S. are nothing less than an assault and that they will not be allowed to overwhelm the Southern Border. "You know, it's never been more clear to Americans about the need for more border security, has it? We all watch the news. We all see this — another migrant caravan headed north," Pence said at a rally in Michigan Monday night. "As President Trump made clear, this is nothing short of an assault on our country and we will not allow it."

Pence lauded the Pentagon's deployment of 5,200 troops to help support border patrol at the president's direction. Pence said the closest caravan is only leading its occupants into danger and hardship. "This caravan was organized by leftist groups in Honduras and human traffickers who have no regard for human life," Pence said, adding that the Guatemalan president informed him that the caravan abandoned "the elderly and the infirm and vulnerable children" on the side of the road until Guatemala sent buses to help. "The truth is these human traffickers and organizations take advantage of loopholes in our laws to entice vulnerable families in the vain hope that they can come north and take the long and dangerous journey to come into our country illegally," Pence said.

Central American Migrants Set Fire to Mexican Immigration Facility

[Breitbart](#) [10/30/2018 6:19 PM, Ildefonso Ortiz and Brandon Darby, 2405K] reports that a group of Central American migrants facing deportation set fire to a Mexican immigration facility in an apparent attempt to escape. The alleged arson comes at a time when Mexican authorities reported the use of firearms and Molotov cocktails within the migrant caravans as they make their way through Mexico to the United States.

The fire was reportedly started at a facility dual-purposed as a checkpoint and makeshift detention center for Mexico's National Migration Institute in Pijijiapan, Chiapas, when a group of migrants housed there set fire to their mattresses, Televisa Noticias reported. The migrants reportedly set fires to give cover to their escape. Firefighters responded to the scene while Mexican Federal Police officers detained the alleged runaways and moved them to a large immigration facility in Tapachula, Chiapas.

Media insist migrant caravan poses no threat

[Washington Examiner](#) [10/30/2018 1:56 PM, Eddie Scarry, 567K, DC] reports some in the news media are dismissing claims by President Trump and his allies that the migrant caravan of several thousand Central Americans making its way toward the U.S. poses a threat to the U.S. Trump has used the caravan to emphasize immigration policy, a theme that helped him win in 2016, and on Monday, he said in a tweet that there are "Many Gang Members and some very bad people" in the caravan. He referred to it as "an invasion of our Country." But some covering the White House are accusing Trump of focusing on the caravan only for political reasons, and say the massing people don't pose any threat. "The migrants, according to Fox News' reporting, are more than 2 months away, if any of them actually come here," Fox News anchor Shepard Smith said Monday. "But tomorrow is one week before the midterm election which is what all of this is about. There is no invasion, no one's coming to get you. There's nothing at all to worry about." Washington Post columnist Eugene Robinson wrote that, "There is in fact no emergency, no invasion, no reason to panic."

Mexico walks political tightrope over migrants moving north

[CNN](#) [10/30/2018 10:50 AM, Catherine E. Shoichet] reports that they've crossed a river, trekked hundreds of miles and persuaded police blockades to let them pass. A week and a half after their arrival at the Guatemala-Mexico border, thousands of migrants from Central America are still slowly moving north. And while their numbers have decreased in recent days, many maintain that they're destined for the United States, undeterred by the Trump administration's plans to send troops to the border and – so far – unenticed by Mexican officials' attempts to convince them to stay. The tense situation has forced Mexican

authorities to walk a political tightrope – trying to mollify the U.S. government while also sticking to a strategy more in line with their own country's policy goals. The stated aim: Treating migrants with dignity and respecting human rights, while also enforcing immigration laws. On a video posted on Twitter Friday, Mexican President Enrique Peña Nieto made his pitch. "We are a country that values and recognizes the dignity of migrant people," he said. "Almost all of us have some relative or close friend who has migrated." Under a plan dubbed "Estas en tu Casa" (You're at Home), officials said migrants of working age could apply for asylum and would be eligible for certain jobs – provided they stay in Chiapas or Oaxaca, two southern Mexican states. The migrants are currently in Oaxaca, hundreds of miles from the U.S. border and likely weeks – or even months – away from any attempt to cross it.

Caravan migrants forcing Mexico to scramble to secure roads, provide food, water

[FOX News](#) [10/30/2018 12:13 PM, William La Jeunesse, 10787K] reports Mexico City is preparing for the arrival of the caravan of 7,000 Central Americans making its way to the U.S. border. A representative from the capitol city visited tiny Niltontepec Monday to assess what Mexico City would need to provide for the migrants. Under consideration, he said, is world-famous Azteca Stadium, which has the space and facilities necessary to handle a large group. Another is the Monument of the Revolution, which is close to the city center. Organizers of the caravan said Monday that they asked the state of Oaxaca for 150 buses to transport the group from southern Mexico to the capital. They argue the steep and narrow mountain roads make the 450-mile journey unsafe for the caravan and motoring public. The buses could save the caravan a three-week walk, based on their 25-mile daily average.

Donald Trump Says He Will Use Tent Cities to End Caravan, Catch and Release

[Breitbart](#) [10/30/2018 2:11 AM, Neil Munro, 2405K] reports President Donald Trump told Fox News that he will hold Central American asylum-seekers in detention while they wait for their asylum requests to be considered by immigration judges. "We're going to hold them until such time their trial takes place," he told Fox News host Laura Ingraham Monday night. He continued: "We're going to build tent cities, we're going to put tents up all over the place. The [migrants] are going to wait, and if they don't get asylum, they get out of here." "We're not letting them into this country," he said, suggesting his plan will include all Central American asylum-seekers, not just the migrants in the two approaching caravans of Honduran migrants. Trump is now expected to announce his plan on Wednesday, and likely will also describe the legal authorities which would allow a drastic change from the pro-migration policies embraced by Presidents George W. Bush and Barack Obama.

Reported similarly:

[Epoch Times](#) [10/30/2018 3:21 PM, Petr Svab, 206K]

[The Daily Caller](#) [10/30/2018 6:07 PM, Kevin Daley, 909K, DC]

AG Sessions Raises Rejection Rate for Asylum Seekers

[Breitbart](#) [10/31/2018 3:00 AM, Neil Munro] reports border officials rejected more economic migrants who asked for asylum in June, following the far-reaching reforms established by Attorney General Jeff Sessions. In June, one-in-six asylum applicants were rejected at the border, up from one-in-10 during April and May, according to the April-to-June report recently issued by the Department of Homeland Security. The test, dubbed the "Credible Fear" test, is vital because migrants who fail the test can be quickly deported without being released. That 50 percent jump in the May-to-June rejection-rate came as Sessions issued

new asylum rules on June 11, but before the DHS released detailed instructions to border officers on July 11. Sessions' new numbers are promising, but the cartels will switch tactics, warned Andrew Arthur, a former immigration judge who works with the Center for Immigration Studies. For example, the cartels may be urging their migrant clients to claim protection under the international Convention Against Torture, he told Breitbart News. But that torture-related release loophole can be fixed by agency regulations, Arthur wrote in October.

Asylum seekers turned away from border bridges ahead of caravan

[Los Angeles Times](#) [10/31/2018 3:00 AM, Molly Hennessy-Fiske] reports migrants arriving at the U.S. border to seek asylum are routinely subjected to tactics that immigration rights advocates say are designed to drive them away in violation of their rights under federal law. The tactics include forcing them to wait at the border indefinitely or sending them back into Mexico to join a backlogged list maintained by Mexican immigration officials. The Trump administration says such measures are necessary because it is not equipped to deal with a large increase in the number of asylum seekers, many of them from Central America. Last year, U.S. immigration courts handled 120,000 asylum requests, a fourfold increase since 2013. But immigrant advocates contend the government is violating the U.S. Immigration and Nationality Act, which says any foreigner who reaches the U.S. has the right to apply for asylum. Last week, several House Democrats sent a letter to Homeland Security Secretary Kirstjen Nielsen requesting a briefing on why and how asylum seekers were being turned away. Sen. Tom Udall, a New Mexico Democrat, issued a statement calling for "fair and orderly processing of asylum seekers." "Any attempts to deny these families and individuals their right to seek asylum are wrong," he said.

Asylum requests overwhelm U.S. immigration system: A look at the numbers

[FOX News](#) [10/30/2018 11:38 AM, Jennifer Earl] reports that a recent explosion in asylum requests from immigrants facing deportation has overwhelmed U.S. courts and denial of the requests does little to keep illegal immigrants out, according to federal statistics. Thousands of migrants in a U.S.-bound caravan from Central America and Mexico are expected to seek asylum, even though experts say they have poor cases and little chance of gaining the status. But that has not stopped hundreds of thousands, and possibly millions of asylum seekers from landing permanently in the U.S., where they live as illegal immigrants, experts say. The caravan, and others like it, have put President Trump's sweeping pledge to secure the border to the test, and dealing with the court backlog and administrative policies is a White House priority. Trump announced the deployment of 5,200 troops to the southern border this week and sent a warning to advancing caravan travelers on Twitter: "This is an invasion of our Country and our Military is waiting for you!" On Monday night, in an exclusive interview on "The Ingraham Angle," Trump told Fox News' Laura Ingraham officials would build "tent cities" for immigrants seeking asylum.

Attorney weighs in on legal process that awaits migrant caravan

[WKRN](#) [10/30/2018 10:23 PM, CB Cotton, TN] reports two groups of migrant caravans continue their journey from Honduras to the United States border. While their anticipated arrival is still weeks away, many in the caravan say their goal is to seek asylum in the states. News 2 spoke to an immigration law office about what the legal process may be once they arrive. "Border patrol does not give a rubber stamp on your hand like you're going into an establishment that you just check into. The border patrol will ask someone seeking asylum a lot of questions," said Will York, a Civil Rights attorney at the Ozment Law Office.

York said the questions will be about that person's fear of their home country. He said from there it becomes an individualized process. "If the border patrol determines they have a credible fear of persecution then the law requires them to be placed into court ... into an immigration court proceeding, then an immigration judge will decide whether to grant an asylum or not."

Here's Why ICE Is 'Mass Releasing' Immigrant Families From Detention Centers

[Rewire](#) [10/30/2018 3:25 PM, Tina Vasquez] reports that federal immigration authorities are quietly releasing an unusual number of immigrant families from detention centers, "dumping [them] on border city streets" and leaving some stranded at bus stations in the middle of the night. The Trump administration's "mass release" of immigrant families is in anticipation of hundreds of asylum-seeking families coming to the U.S.-Mexico border in the coming weeks. Advocates along the border in California and Texas told Rewire.News that Immigration and Customs Enforcement (ICE) is releasing the families it has detained for at least 20 days from the two family detention centers in Texas, and that immigration officials are not detaining newly apprehended families, but rather are quickly processing them for release. Immigration officials are affixing parents with electronic monitoring devices and giving them "notices to appear," a document that outlines when they must appear in immigration court. Customs and Border Protection typically holds migrant families apprehended at the border or who present themselves at ports of entry in processing centers before officials transfer them to ICE detention centers. ICE routinely subjects families in federal immigration custody to prolonged detention, despite the existence of the Flores Settlement Agreement which, among other basic protections, dictates that children cannot be detained in detention centers for more than 20 days.

News outlets from San Diego to El Paso are reporting that the Trump administration has begun "shifting the burden" of managing immigrant families on the border "to local organizations and cities across the southwest border," as the Los Angeles Times reported. A spokesperson from ICE told Rewire News that in response to the rising arrest numbers, the federal agency has increased the number of releases from Texas' family detention centers and that the agency is "diverting local resources" to accommodate what they anticipate to be an "increased operational workflow" once asylum seekers as part of the "migrant caravan" arrive at the U.S.-Mexico border, many of whom are parents and children. The ICE spokesperson blamed the "inaction of Congress" for its inability to "detain and promptly remove families with no legal basis to remain in the United States," though it is only the job of asylum officers conducting credible fear interviews to determine whether members of a migrant family have legal grounds for remaining in the country. "To mitigate the risk of holding family units past the time frame allotted to the government, ICE began curtailing all reviews of post-release plans from families apprehended along the southwest border starting on Tuesday, October 23," the spokesperson told Rewire.News. "Family units that are released will be enrolled in a form of ICE's Alternatives to Detention or released on another form of supervision. Aliens will be issued a Notice to Appear in immigration court, as appropriate. ICE continues to work with local and state officials and [nongovernmental organization (NGO)] partners in the area so they are prepared to provide assistance with transportation or other services."

A Visa Program That Protected Domestic Violence Victims Is Now Putting Them At Risk Of Deportation

[BuzzFeed](#) [10/30/2018 2:20 PM, Albert Samaha, 8149K] reports immigration attorneys and advocates have begun steering some undocumented crime victims away from a visa program intended to protect them from deportation because they fear applicants face a higher chance of being sent out of the country under President Trump's new anti-immigration policies. The shift primarily affects victims of sexual assault, domestic violence, and human trafficking, who represent around 75% of those granted the U visa, according to one survey. Created by Congress in 2000 to encourage undocumented immigrants to report crimes, the program grants a path to permanent residency to victims of "mental or physical abuse." For most of the program's existence, judges have typically paused removal proceedings for those with pending U visa applications, and the agency that reviews the cases, United States Citizenship and Immigration Services, has rarely passed information about applicants to Immigration and Customs Enforcement.

[VA] Immigration advocates ask Fairfax Co. to limit information shared with ICE

[WTOP](#) [10/30/2018 10:03 PM, Dick Uliano, 272K, DC] reports a small group of advocates for immigrant rights rallied outside the Fairfax County Government Center before several residents offered public comments to the Board of Supervisors against county policies that allow information-sharing with federal immigration authorities. Many jurisdictions in the area, including D.C., and Montgomery and Prince George's counties, do not honor most federal Immigration and Customs Enforcement requests to detain immigrants who are in the country illegally that are in custody for federal immigration enforcement. Fairfax County shares information with federal authorities. The advocates for immigrant rights want police and the county jail to limit the information it collects on individuals' immigration status and only share information with federal authorities under very limited circumstances. They're also asking the county Board of Supervisors to provide funding for legal representation for immigrants who may be facing deportation.

[FL] A single shelter for migrant children is costing the government over \$500,000 a day

[Quartz](#) [10/30/2018 7:45 PM, Justin Rohrllich] reports the full costs of the Trump administration's "Zero tolerance" immigration policy are coming into sharper relief as contracts are renewed and federal spending data is made available. Newly released government figures paint a picture of runaway spending on detention facilities, which has siphoned millions of dollars away from, among other programs, Head Start, the National Cancer Institute, and the National Institutes of Health. The US Department of Health and Human Services oversees 100-plus shelters for unaccompanied migrant children in 17 states at a cost of more than \$2 billion since 2015, and there doesn't appear to be any end in sight. One of the most talked-about children's shelters in the system has been the Homestead Temporary Shelter for Unaccompanied Children in Homestead, Florida, where HHS initially denied entry to US Sen. Bill Nelson and Rep. Debbie Wasserman Schultz when they tried to visit the facility in June. HHS has so far spent nearly \$140 million since the end of February to house between 500 and 1,350 unaccompanied minors at Homestead. That translates to more than \$17 million a month, or slightly more than \$500,000 per day, to keep them at Homestead. The overall outlay at the shelter may reach a quarter of a billion dollars by the third week of November, when the current operator's eight-month term expires.

[TX] Nearly 100 undocumented immigrants arrive in El Paso

[KTXS-TV](#) [10/30/2018 4:01 PM, Ryan Hill, 26K, TX] reports that about 100 undocumented immigrants looking for shelter made it into El Paso on Tuesday. People clapped and cheered as the immigrants arrived at the Roman Catholic Diocese of El Paso, where they were greeted by Bishop Mark J. Seitz. It was a moment of joy and pure bliss for the immigrants from Honduras, El Salvador and other Central American countries. Three buses driven by U.S. Immigration and Customs Enforcement agents dropped off the group of children and adults Tuesday afternoon. Some of the kids were laughing and joking around with the group of reporters who were there to cover their arrival. The diocese had 150 cots and clothes ready for the immigrants. Their arrival stems from a new policy in which ICE said it no longer has the resources to hold immigrants awaiting asylum, so it is releasing them into the community.

[TX] Group of migrants camped out at Santa Fe International Bridge asking for asylum

[KFOX 14](#) [10/30/2018 6:45 PM, Claudia Tristán, 9K, TX] reports that a group of migrants camped out at Santa Fe International Bridge asking for asylum. A group of about 40 people were camped out on the Mexican side of the Santa Fe International Bridge on Tuesday as a caravan of thousands are making their way to the U.S.-Mexico border. The migrants at the border are waiting to get their chance to make a plea for asylum. Since this weekend, immigrants have been waiting out on the bridge with their children for their turn to claim asylum.

[AZ] Arizona advocacy groups join call to protect asylum seekers from indefinite detention

[AZ Central](#) [10/30/2018 12:51 PM, Perry Vandell, 669K, AZ] reports that at least five organizations held a community workshop to discuss how to protect asylum seekers' rights to possibly be released on bond at an immigration hearing. The groups, Mijente, Puente Arizona, the National Immigration Project of the National Lawyers Guild, Detention Watch Network and the National Bail Fund Network held the workshop in Phoenix Monday evening. More than 50 organizations, including the ones mentioned above, have signed and submitted an amicus brief – a legal document demanding that U.S. Attorney General Jeff Sessions not alter policy set by a 2005 Board of Immigration Appeals ruling that asylum seekers have a right to a bond hearing after proving they have a credible fear for returning to their home country. Jacinta Gonzalez, a senior campaign organizer at Mijente, said Sessions is referring immigration cases for himself to review, preventing the asylum seekers involved in those cases from receiving a bond hearing so they remain in a detention center indefinitely. The ruling could affect thousands of migrants who make up a caravan slowly traveling north from southern Mexico.

Legal News

[CA] L.A. immigration activist files suit claiming DACA application was rejected as 'political retaliation'

[San Diego Union-Tribune](#) [10/30/2018 6:45 PM, James Queally, 291K, CA] reports a Los Angeles immigration activist whose arrest last year sparked protests and allegations of misconduct against federal law enforcement officials is now suing the Department of Homeland Security, claiming her application for protection from deportation as a "Dreamer" was unfairly rejected on the basis of her activism. Claudia Rueda, a 23-year-old Cal State

L.A. student, filed the federal lawsuit Tuesday alleging that the government violated its own policies in rejecting her application under the Deferred Action for Childhood Arrivals program in October of last year. Rueda first gained attention across Southern California in May 2017, when she and six others were arrested outside her home by agents with U.S. Customs and Border Protection. At the time, Rueda and other local activists claimed she was arrested in retaliation for her advocacy on behalf of her mother, Teresa Vidal-Jaime, who had been swept up in a drug raid carried out by the Border Patrol and the Los Angeles County Sheriff's Department a month earlier. Although law enforcement officials said Vidal-Jaime had nothing to do with the alleged drug activity, she was held on a civil immigration violation. Rueda led protests objecting to her mother's detention, and Vidal-Jaime was released from federal custody on May 12, 2017, over the objections of U.S. Immigration and Customs Enforcement. The Border Patrol arrested Rueda outside her home six days later, and she spent several weeks in federal custody.

Reported similarly: [CBS Los Angeles](#) [10/30/2018 1:48 PM, Staff, 120K, CA]

[CA] U.S. citizen awarded \$55K settlement after being detained by ICE

[The Hill](#) [10/30/2018 12:17 PM, Morgan Gstalter, 2630K] reports a naturalized U.S. citizen was awarded a \$55,000 settlement after she was falsely arrested, detained and threatened with deportation by Immigration and Customs Enforcement officers. Guadalupe Plascencia sued the U.S. government and the San Bernardino County Sheriff's Department in December and was awarded a \$55,000 settlement last week, The New York Times reported Monday. The county agreed to pay \$35,000 and the federal government agreed to pay \$20,000, according to a statement from the American Civil Liberties Union (ACLU), which represented Plascencia, 60, in her lawsuit claiming her detention violated her constitutional rights. She had lived in California as a naturalized citizen for more than three decades while working at a beauty salon and raising her family, the Times reported. Originally from Mexico, she became a naturalized citizen in May 1998. Plascencia was detained in March 2017 after she was in a car accident in Ontario, a city about 35 miles east of Los Angeles, according to the lawsuit obtained by the newspaper.

Reported similarly: [National Review](#) [10/30/2018 1:29 PM, Mairead McArdle]

Enforcement News

[NY] Authorities probing immigrant Saudi sisters' mystery deaths

[Washington Post](#) [10/30/2018 8:19 PM, Michael R. Sisak] reports that police are investigating the mysterious deaths of two sisters from Saudi Arabia whose bodies, bound together with tape, washed up on New York City's waterfront last week. As of Tuesday, investigators still had not determined how they died. The sisters' bodies were taped together and facing each other, but had no obvious signs of trauma, police said. They were both fully clothed.

The [New York Post](#) [10/30/2018 2:19 PM, Tina Moore, 3705K, NY] reports their mother claims she learned a day before they were found dead, police sources said. The mom of Rotana and Tala Farea told detectives that on Oct. 23 she received a phone call from the Saudi Arabian Embassy informing her that her family's residency in the U.S. was in jeopardy because the sisters had applied for immigration asylum, sources said. The next day, the bodies of Rotana, 23, and Tala, 16, were found washed up near West 68th Street,

bound together at the waist and feet by duct tape, authorities said. Investigators are still trying to sort out exactly how the sisters died – a preliminary exam showed no obvious signs of trauma – and how they came to be so far from their Fairfax, Virginia, home. Officials confirmed Tuesday that they were looking into the girls' immigration status, including whether they had in fact filed for asylum.

Additional reporting: [WUSA 9](#) [10/30/2018 7:07 PM, Peggy Fox, 51K, DC]

[NY] Troy mother detained after traffic stop raising funds to fight deportation

[Times Union](#) [10/30/2018 2:34 PM, Mallory Moench, 118K, NY] reports Dalila Yeend, a Troy mother of two detained by immigration officials this summer following her arrest for a traffic violation, is petitioning for help after she was denied a fee waiver to file green card and work authorization applications. If she can't pay and file, it's more likely that an immigration judge will order her deported at her next date in immigration court on Nov. 19. While Yeend's green card application is pending, she isn't eligible for public assistance and while her work authorization isn't approved, she can't work. In August, Yeend's mother set up a GoFundMe for the family that has raised nearly \$4,400. Now, community members and advocacy groups are pushing the fundraiser again to raise the \$1,225 needed for filing the applications before Nov. 19. In 2015, ICE began Yeend's deportation proceedings and required her to check in regularly with them. Yeend is still fighting her deportation in Buffalo immigration court. Now, if she can't afford to file applications for immigration relief, that threat looms larger.

[DE] ICE arrests suspect charged, released in shooting outside bar near Seaford

[Delaware 105.9 FM](#) [10/30/2018 8:58 PM, Rob Petree, DE] reports that U.S. Immigration and Customs Enforcement (ICE) arrested a man who was released on \$21,500 unsecured bond after he allegedly shot at an occupied vehicle outside a local bar near Seaford. On Thursday, October 18, 36-year-old Jose Cabrera-Malpica turned himself into police on charges of Possession of a Firearm During the Commission of a Felony, Reckless Endangerer First Degree (2 counts), Conspiracy Second Degree, Criminal Mischief, in connection with a shots fired incident on Friday, September 21 at the Woodshed Bar on Bridgeville Highway.

"Our prosecutors are generally not present or involved at bond hearings of this type and were not present or involved in this one, that information about setting bond must come from the courts, but my understanding (which you should confirm) is that the defendant was not released because he is being held by ICE," said Carl Kanefsky, a spokesman for the DOJ. Following the information from the DOJ, our news department reached out to ICE and learned that Cabrera-Malpica was taken into custody shortly after his release. "ICE's Enforcement and Removal Operations Dover lodged a detainer on Jose Cabrera-Malpica, 36, Mexico, on Oct. 18, 2018, after he was arrested by Delaware State Police on local charges," ICE officials said. "ERO Dover took custody of Mr. Cabrera-Malpica after he posted bond for local charges. ICE does not have any input into bond hearings on local criminal charges." Cabrera-Malpica is currently in ICE custody at Pike County prison pending immigration proceedings. He will go before an immigration judge who will decide whether he will be deported or allowed to return to Delaware. Due to the severity of the charges, it's likely Cabrera-Malpica will face deportation.

[PA] Honduran mom, son freed from center housing immigrants in U.S.

[Lakeland Observer](#) [10/30/2018 9:00 PM, Staff, MN] reports a York County immigration judge ordered the immediate release of Wendy Osorio Martinez and Diego Rivera Osorio after a hearing Monday, NewsWorks reported. A Honduran woman and her 3-year-old son who spent nearly two years in a Pennsylvania center used by the U.S. government to house asylum-seeking immigrants have been freed by a judge. NewsWorks reports a York County immigration judge ordered the immediate release of Wendy Osorio Martinez and Diego Rivera Osorio after a hearing Monday. They were among four families held at the Berks Family Residential Center. Their detentions have sparked protests, a hunger strike and letters from politicians seeking their release. The judge took into consideration two recent federal court opinions that children apprehended near the U.S.-Mexico border have due-process rights.

[GA] ICE holding detainees in Clayton prison after Atlanta turned them away

[Atlanta Journal And Constitution](#) [10/29/2018 8:00 PM, Jeremy Redmon, 559K, GA] reports the Trump administration has begun detaining immigrants facing deportation in a privately operated prison owned by Clayton County, The Atlanta Journal-Constitution has learned. U.S. Immigration and Customs Enforcement started holding people in the Robert A. Deyton Detention Facility in Lovejoy in August, two months after Mayor Keisha Lance Bottoms took her first step toward banning them from Atlanta's jail. As of last week, there were 69 ICE detainees — 61 men and eight women — in the Clayton prison. The move will apparently cost taxpayers more money. The U.S. Marshals Service said The AJC must file a Freedom of Information Act request to get the current cost. But the government was paying \$114 for each federal detainee held at the Clayton prison per night last fiscal year, compared to \$78 at the Atlanta jail. The GEO Group, a Florida-based corrections company, leases the property from Clayton and runs the prison through a contract with the U.S. Justice Department. A provision in that contract allows ICE to use the space. ICE started using the Clayton location because of its closeness to the Immigration Court in downtown Atlanta and Hartsfield-Jackson International Airport, where the agency can put them on deportation flights. "We are using this facility very much in the same way that we used the" Atlanta City Detention Center, ICE spokesman Bryan Cox said. Cox, the ICE spokesman, said officials from his agency attended the mayoral committee's proceedings until they were asked to leave. Several committee members said the ICE officials were asked to leave so some of the agency's former detainees — they had pending immigration cases — could share their experiences in private. "Far from acting in 'secret,' this agency acted in good faith and attempted to participate in the committee's discussion of the issue," Cox said. "It was the committee that instead chose to ask ICE to leave and exclude this agency from its process."

[AL] Mexican native indicted on illegal re-entry after Boaz traffic stop, faces 5th deportation

[ABC 3340](#) [10/30/2018 7:59 PM, Lauren Walsh, 22K, AL] reports that an illegal immigrant from Mexico who was living in Boaz now faces deportation from the U.S. for the fifth time. A federal grand jury indicted Gerardo Frasco- Gutierrez on the illegal re-entry charge. If convicted, Gutierrez now faces a maximum sentence of 20 years for his illegal re-entry charge, as he has a prior aggravated felony conviction. "This was the 5th time he'd been caught inside the United States," said First Assistant U.S. Attorney Lloyd Peeples. "This individual in fact had been caught for drug trafficking and had served time in prison back in 2007 for drug smuggling, drug trafficking." Peeples says Gutierrez was caught during a routine traffic stop, where his identity was checked

[IN] Undocumented immigrant who sexually abused girl, then reentered U.S. faces deportation

[NWI Times](#) [10/30/2018 4:30 PM, Lauren Cross, IN] reports an undocumented immigrant from Ecuador is awaiting sentencing in U.S. District Court on allegations he re-entered the U.S. illegally years after his first deportation for the sexual assault of a 14-year-old girl. Cristian Manuel Yupa Yupa, 42, was first indicted on May 16 on one count of re-entry of a removed alien after being arrested at a Lake County work site earlier this year, court records show. In 2002, Yupa Yupa, then age 25, was convicted in Chicago for sexually abusing a minor. In 2004, he was deported but later re-entered the country and was arrested in April at a job site in Lake County, Indiana, prosecutors wrote in court filings this week. In his sentencing memorandum filed this week, Yupa Yupa explained he was a longtime member of the indigenous Kichwa tribe in Canar, a remote area of Ecuador that is largely controlled by the Sombra Negro gang. Yupa Yupa's attorney, Andrew Sidea, has filed a petition for asylum on behalf of Yupa Yupa, records show. An immigration judge will hold a hearing on that petition once sentencing is complete.

[IA] Illegal alien from Mexico who lived in Riceville sent to prison for reentering the United States

[North Iowa News](#) [10/30/2018 3:37 PM, Staff, 2K, IA] reports a Mexican man who illegally returned to the United States after being deported was sentenced today to almost three months in federal prison. Sergio Aguilar-Velasco, age 34, a citizen of Mexico illegally present in the United States and residing in Riceville, Iowa, received the prison term after a September 4, 2018, guilty plea to one count of illegal reentry into the United States. At the guilty plea, Aguilar-Velasco admitted he had previously been deported from the United States in August 2006 and illegally reentered the United States without the permission of the United States government. Aguilar-Velasco was deported in August 2006 following his misdemeanor conviction in the Northern District of Iowa on July 6, 2006, for illegal entry into the United States following his arrest during an immigration enforcement action at a meatpacking plant in Clarion, Iowa. Aguilar-Velasco was also deported to Mexico two times in one week in April 2004 and two times on the same day in November 2006. Aguilar-Velasco was found by immigration agents at the Mitchell County, Iowa, jail in July 2018 after Aguilar-Velasco was arrested for traffic violations. Aguilar-Velasco is being held in the United States Marshal's custody until he can be turned over to immigration officials.

[IA] Sioux City homicide suspect has recent history of assaults

[Sioux City Journal](#) [10/30/2018 7:15 PM, Nick Hytrek, 24K, IA] reports that in the four months prior to his arrest on suspicion of fatally stabbing his roommate, Abdiqadar Sharif was arrested and pleaded guilty three times to assaulting two other people. Sharif, 38, was arrested Sunday on a charge of first-degree murder and is accused of stabbing his roommate, Guled Nur, during an altercation at their home. He was charged with domestic abuse assault on June 4 after getting into an argument with his wife and grabbing her, scratching her left arm and pushing her to the floor. Sharif was arrested again on Aug. 12 and charged with domestic abuse assault for an incident in which his wife said she was awakened by Sharif, who was choking her. On Sept. 6, Sharif was arrested for assault after he became upset with a friend who had told him he should be nicer to his wife. Sharif punched the man in the head, cutting the man's right ear.

Sioux City Police Chief Rex Mueller said he knows citizens will wonder why Sharif, who is from Somalia, was not still in custody from his previous convictions or why federal

immigration officials had not begun a case against him. Mueller said he's observed that U.S. Immigration and Customs Enforcement seldom gets involved with cases in which the charges are less than forcible felonies. None of Sharif's previous charges reached that level.

[TX] Sheriff: Texas man wanted to rape, kill, eat Florida girl

[U.S. News & World Report](#) [10/31/2018 3:50 AM, Staff, 5K] reports a Florida sheriff says a 21-year-old Texas man told an undercover deputy he wanted to "rape, kill, and cannibalize" a child. Brevard County Sheriff Wayne Ivey told news outlets Tuesday that Alexander Nathan Barter posted an online ad about trying "necrophilia and cannibalism and see how it feels to take a life." Ivey says an undercover deputy who also works for U.S. Immigration and Customs Enforcement saw it and offered Barter a child. He says deputies then drove to Joaquin, a town of less than 1,000 people near the Texas-Louisiana line, and met with Barter. Ivey says Barter was arrested on charges including criminal attempt of capital murder and confessed before thanking the agents for "stopping him because he couldn't stop himself."

Additional reporting: [Local 4](#) [10/30/2018 9:17 PM, Kayla Clarke, 187K, MI]

[TX] Border Patrol Agent Assaulted in Texas, Say Feds

[Breitbart](#) [10/30/2018 9:58 AM, Bob Price, 2405K] reports an illegal immigrant from Mexico allegedly assaulted a U.S. Border Patrol agent during an arrest. He reportedly struck the agent in the face with an object. A Rio Grande Valley Sector agent attempted to arrest an illegal immigrant near Brownsville, Texas, on Saturday. As the agent began the arrest, the man threw an object at the agent, according to Rio Grande Valley Sector Border Patrol officials. Officials stated that the object grazed the left side of the agent's face. The agent continued his attempt to arrest the subject and a struggle ensued. The agent eventually placed the man in custody without further incident, officials said. During an immigration interview and background investigation, officials identified the man as a Mexican national who entered the U.S. illegally. Agents referred the case to the U.S. Attorney's Office for the Southern District of Texas for prosecution on charges of immigration violations and assaulting a federal agent.

{End of Report}